

12.02.2021
Item no. 143
Aloke
Ct. no.38

(Through Video Conference)

W.P.A. 4107 of 2021

Sandhya Rani Kundu & Ors.
Versus
The State of West Bengal & Ors.

Mr. Nilanjan Bhattacharjee
Mr. Arpan Gupa
Mr. Aniruddha Karmakar
... for the petitioner

Mr. Ansar Mandal
Mr. Suprabhat Bhattacharyya
... for the State

The petitioners say that they were the owners of 14 decimal of land in Mouza Kuspata, P.S. Ghatal, District – Paschim Medinipur. Admittedly, 10 decimal of land have been acquired by the Government pursuant to L.A. Case No. 5/52-53 and on the remaining 4 decimal of land, the petitioners have their residential house.

The petitioners say that the Government is constructing a road on the portion of the land acquired from them. Recently, Government officials visited the petitioner's residence and put certain marks on the boundary wall of the petitioners and have claimed that the petitioners are encroaching upon Government land. The said officers have threatened to demolish the petitioners' residential house. Hence, this writ petition.

I have heard learned counsel for the parties.

The respondent no. 6 (B.L. & LRO), Inda, Ghatal, is directed to demarcate the 10 decimal land acquired by the Government from the petitioners' 4 decimal of land retained by the petitioners.

Let such demarcation report be made available to the petitioners. If it is found that the petitioners have, in fact, encroached upon Government land, learned Advocate for the petitioners fairly says that the Government would be entitled to remove such encroachment by dispossessing the petitioners of the encroached portion.

Accordingly, let this be done. However, in case the report of the B.L & L.R.O. is adverse to the petitioners, the same shall not be given effect to for a period of a fortnight from the date of service of such report on the petitioners. Until the exercise indicated above is carried out by the respondent no. 6, the respondents shall not take any adverse step against the petitioners or their property in question.

W.P.A. 4107 of 2021 is accordingly disposed of.

Since no affidavit has been called for, none of the allegations in the writ petition shall be deemed to have been admitted by the respondents.

There will be no order as to costs.

(Arijit Banerjee, J.)