

Court No. 24

WPA 5885 of 2021

25.03.2021

(DL 158)

(S. Banerjee)

Md. Faizul Haque

Vs.

The State of West Bengal & Ors.

Md. Younus Mondal

... for the petitioner

Mr. Asish Kumar Guha

Mr. N. G. Dostidar

... for the State

The issue relates to raising of unauthorised construction over the government land in front of the house of the petitioner being Plot No. 367, Khatian No. 1279, JL No. 23, Mouza - Jirat, P.S. – Amdanga.

The petitioner raised an objection against the construction made by the private respondent over the government land by a representation dated 25th September, 2020. The petitioner complains that the same has not been considered by the respondent authority till date.

Learned advocate appearing on behalf of the State respondents submits, upon instruction, that a Panchayat road is running on the western side of the dwelling house of the petitioner. A club has been made by the local people over the government land in front of the house of the petitioner. There is a tussle with regard to occupation of the vacant khas land between the petitioner and the club.

A complaint has been lodged by the petitioner before the police and the police have taken steps pursuant to the said complaint. The accused persons have surrendered before the learned court and have

been enlarged on bail. A charge-sheet has been submitted against the accused persons.

It has been specifically instructed by the Inspector-in-Charge of the Amdanga Police Station that no construction or unauthorised structure is being made by the club at the present moment and the khas land is vacant.

From the instruction received by the Inspector-in-Charge of the Amdanga Police Station it appears that both the petitioner as well as the private respondent herein are trying to take possession of the khas land of the government. The government land ought not to be occupied by any private party for personal use and enjoyment.

In view of the above, the District Magistrate, North 24 Parganas as well as the Superintendent of Police, North 24 Parganas, being the respondent nos. 2 and 3 herein, shall depute competent persons to enquire the matter as to whether any portion of the government land has been occupied by the private parties or not.

In the event it is noticed that the government land has been illegally occupied by any private party without any authority of law, necessary steps for removal of the unauthorised occupants shall be initiated. The aforesaid respondents shall ensure that the government land is not being occupied unlawfully by any private party. Steps shall be taken in the matter at the earliest, but positively within a period of twelve weeks from the date of communication of a copy of this order.

WPA 5885 of 2021 is disposed of.

The instruction given by the Inspector-in-Charge of the Amdanga Police Station to the learned advocate is retained with the records.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)