

13,DL,Ct.18
13.04.2021
AJ.

W.P.A. 6430 of 2021

Tarun Bhowmik

-Vs-

The State of West Bengal & Ors.

Mr. Uday Narayan Betal,
Mr. Bhaskar Hutait.
.....for the petitioner.

Mr. Chandi Charan De,
Ld. Addl. Govt. Pleader,
Mr. Anirban Sarkar.
.....for the State.

Affidavit of service filed by the petitioner is taken on record.

The private respondent nos. 8 and 9 are not represented.

The petitioner is alleging that the private respondents have encroached upon the public land adjacent to the land of the petitioner which is causing obstruction to the petitioner in ingress and egress to his land.

The petitioner has submitted a representation to different authorities of the State including the District Magistrate, Purba Medinipur, the respondent no. 2 herein for removal of the private respondents from the said public land.

The petitioner is praying a direction upon the respondent no. 2 for expeditious disposal of his said representation.

The respondent no. 2 under Section 3 of the West Bengal Public Land (Eviction of Unauthorized Occupants Act, 1962), has the power to evict unauthorized occupants from the public land.

The said respondent no. 2, therefore, is directed to consider the representation of the petitioner appearing at page 23 of the writ petition being Annexure- 'P-3' and to dispose it of in accordance with law by a reasoned order upon identification of the said land as public land and after giving the petitioner and the private respondents an opportunity of hearing within a period of eight weeks from the date of communication of this order.

The respondent no. 2 for the purpose of identification of the said land as public land is free to take assistance of the concerned B.L.&L.R.O.

The petitioner is required to communicate this order along with a complete copy of the writ petition to the respondent no. 2 within a week from date.

W.P.A. 6430 of 2021 is thus disposed of with the above direction without any order as to costs.

Since no affidavit-in-opposition has been invited, the allegations made in the writ petition are deemed to have been denied by the respondents.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)