

Sl. 7
Ct. No. 19
16.08.2021
tbsr

(via video conference)

WPA 6453 of 2021

Nirmalendu Maji

-vs-

State of West Bengal and others

Mr. Indranuj Dutta,
Mr. Bikram Basak,
Mr. Rahul Ghosal.

...for the petitioner

Mr. Manoj Malhotra,
Mr. Sutanu Chakrabarti

.....for the State

Despite service none appears on behalf of the Bishnupur Municipality.

Affidavit-of-service is taken on record. The chairperson of the municipality has been served.

The allegation of the petitioner is that the Bishnupur Municipality has been constructing a drain over the land of which the petitioner is the owner in possession. Such land is situated in front of Kalimandir of Bauripara near the Church of Ward No. 15 pertaining to L.R. Dag No. 10783 under Mouza Bishnupur, J.L. No. 101, Police Station Bishnupur, District Bankura.

Learned advocate for the State-respondents referred to a document to show that the concerned

Sub-Divisional Officer had directed the Executive Officer of the Bishnupur Municipality to look into the matter and do the needful. Accordingly, the Chairperson of the Board of Administrators of Bishnupur Municipality issued a notice upon the petitioner and thereafter no progress has been made and the drain has already been constructed.

Under such circumstances the writ petition is disposed of with a direction upon the Sub-Divisional Officer, Bishnupur to look into the matter. The writ petition shall be treated as a representation. The concerned SDO shall take the assistance of the Block Land & Land Reforms Officer concerned to ascertain whether there has been any construction on the land of the petitioner. The municipal authority shall also be allowed to participate in such inspection. A hearing shall be given by the sub-Divisional Officer concerned to all concerned. If it is found that there has been encroachment in the land of the petitioner without following the due process of law, then appropriate steps shall be taken to compensate the petitioner in accordance with law. A reasoned order shall be passed and communicated to all concerned.

The entire exercise shall be completed within the period of four months from the date of communication of this order.

Needless to mention that the petitioner as also the competent authority of the municipality shall be allowed to be present during the demarcation of land and also at the hearing with regard to the issues involved in the petition.

This Court has not gone into the merits of the claims and counter claims of the parties.

State-respondents shall act in accordance with law.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)