

29.01.2021
SL No.80
Court No.24
(P.M.)

WPA 5109 of 2020

**Swadesh Pradhan & Ors.
Vs.
The State of West Bengal & Ors.**

Mr. Amit Baran Dash
... for the petitioners

Mr. A.K. Guho
Mr. N. Ghosh Dastidar
..... for the State.

The specific case of the petitioners is that the private respondent is making construction by encroaching the Government land. The petitioner approached the office of the Block Land and Land Reforms Officer, the Sub-Divisional Officer as well as the Gram Panchayet. A report was called for from the Block Development Officer, pursuant to which, the Sub-Divisional Officer has intimated that on enquiry it was found that some portion of the house of the private respondent is encroaching the Government land which is used as a public pathway.

The learned advocate appearing on behalf of the State respondent has obtained instruction from the Officer-in-charge of the Ramnagar Police Station. The instruction specifically mention, that on enquiry it was found that the private respondent is occupying some portion of the Government land by making construction of a structure. It has been mentioned that none of the authority has approached the police for rendering assistance regarding removal of the illegal encroachment.

As it appears from the aforesaid instructions that the State respondents have come to a definite finding that the private respondent is encroaching the public pathway by making construction thereon, accordingly, the District Magistrate of Purba Medinipur is directed to take necessary steps to remove the unauthorized illegal construction from the public pathway. Steps shall be taken by the District Magistrate, strictly in accordance with the law, within a period of four months from the date of communication of a copy of this order.

The Officer-in-charge of Ramnagar Police station and Gram Panchayet as well as the Block Land and Land Reforms Officer shall render all necessary assistance to the District Magistrate for the purpose of compliance of this order.

The instruction given by the Officer-in-charge of Ramnagar Police Station through the learned advocate is retained with the records.

WPA 5109 of 2020 stands disposed of.

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

(Amrita Sinha, J.)