

30.11.2021.
Court No.13
Item No. 42
ap

**W.P.A. No. 7011 of 2020
With
CAN 1 of 2020
(Through Video Conference)**

**Srikumar Giri & Anr.
Versus
The State of West Bengal & Ors.**

Mr. Gautam Guria.

...For the petitioners.

Mr. Pantu Deb Roy, ld. A.G.P.
Mr. Anand Farmania.

...For the State.

Mr. Mukteswar Maity.

...For the respondent nos.7, 8 & 9.

Considering the urgency pleaded by the petitioners in CAN 1 of 2020, the instant writ petition is taken up for hearing.

Accordingly, the application being CAN 1 of 2020 is disposed of.

The writ petitioners complain that the private respondents are conducting illegal pisciculture on the land in front of their property. The said cultivation is illegal for being in violative of the provisions of law.

It is submitted that the private respondents actually intend to grab the petitioners' property.

Counsel for the private respondents submits that it is the writ petitioners, who against a payment of money, permitted them to commence pisciculture at the said land.

A report of the Executive Magistrate under section 144 of the Code of Criminal Procedure is produced before this Court.

Counsel for the State being the Executive Engineer, Contai Irrigation Department submits that the entire land belongs to the State, particularly, Irrigation Department.

An enquiry was conducted by the Sub-Divisional Officer, Digha Irrigation Sub-Division which has revealed that the said property belongs to the Irrigation Department.

In those circumstances, this Court directs the Officer-in-charge, Mandarmoni Coastal Police Station to immediately remove the entire encroachment of the land of the Irrigation Department, particularly, one occupied by the private respondents and hand over possession thereof to the Sub-Divisional Officer, Digha Irrigation Sub-Division and/or any person authorized in that behalf.

Officer-in-charge, Mandarmoni Coastal Police Station shall register an FIR against the writ petitioners as well as the private respondents to ascertain as to what circumstances the private respondents have come to occupy the land in question and the role played by the writ petitioners in that regard.

Counsel for the State shall communicate a copy of this order to both the Digha Irrigation Sub-Division as also Officer-in-charge, Mandarmoni Coastal Police Station for immediate compliance.

The report of the Revenue Inspector, Kalindi Gram Panchayat Office, Ramnagar-II, Purba Medinipur is taken on record.

With the aforesaid observations, the instant writ petition shall stand disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)