

32 (D/L)
06-07-2021
debajyoti

(Through Video Conference)
WPA 10787 of 2021

Prokash Chandra Mondal & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Sabyasachi Chatterjee,
Mr. Debabrata Mondal

... For the Petitioners.

Mr. Amitesh Banerjee,
Mr. Prithwish Kumar Basu

... For the State.

Mr. Satyajit Mandal,
Mr. Ratul Ghosh

... For Respondent No.8.

Mr. Amar Nath Sen,
Mr. Malay Dhar

... For Respondent Nos.9 and 10.

Counsel for the petitioners submits that the private respondents are effecting construction on a land that is otherwise described as 'Nayanjuli' (waterbody). It is further submitted that the 'Nayanjuli' is purportedly on the PWD land and the private respondents have no right to construct thereon.

Counsel for the private respondents opposes the prayer of the petitioner and submits that they have not encroached upon public land and the construction carried out by them is not unauthorized.

However, in view of the complaints made by the petitioners that the private respondents are encroaching public land, it is

ordered that the District Magistrate, South 24-Parganas, shall refer the determination of ownership of the land in question to the appropriate authority, sufficiently senior, under him.

The concerned officer shall embark on an enquiry, after hearing the writ petitioners and the private respondents, either in person or through legal representative, and pass a reasoned order thereon, *inter alia*, by referring to the applicable statutes.

The reasoned order may be communicated to the writ petitioners as well as the private respondents within ten days thereof. It is expected that the aforesaid exercise shall be carried out by the District Magistrate and the concerned officer within a period of three months from date.

With the above observations, WPA 10787 of 2021 is disposed of.

Affidavits not having been called for, the allegations in the writ petition, shall be deemed not to have been admitted.

(Rajasekhar Mantha, J.)