

16.08.2021
jb.

W.P.A. 12494 of 2021
(Kamal Dutta vs. State of West Bengal & Ors.)

Mr. Baidurya Ghosal
Mr. Muykul Biswas
Mr. Sujan Das
.... For the Petitioner

Mr. Soumitra Bandyopadhyay
Mr. Subhasis Bandyopadhyay
.... For the State

The grievance of the petitioner pertains to wrongful and illegal acquisition of the subject premises. The petitioner, in particular, alleges that the plot of land belonging to the petitioner being L.R. Plot No. 790/1753, L. R. Khatiyon No.-1770 measuring about more or less 5/12 decimals within Mouza-Balia, in P.S. Chakdah, in the district of Nadia has been unlawfully and illegally acquired by the State respondents without paying any compensation.

The State respondents are represented. It is submitted on behalf of the State respondents that the ROW as measured and certified by the BL & LRO has been demarcated by the WBHDCL and accordingly, the work is being implemented by the EPC Contractor. It is specifically submitted on behalf of the State that no such land beyond ROW has been encroached by the

WBHDCL and, therefore, the allegation of the petitioner is unfounded and unsubstantiated.

In view of the conflicting stands taken by the respective parties i.e. the petitioner and the State respondents, I direct that the grievance of the petitioner be remanded to the concerned Block Land and Land Reforms Officer for ascertaining the fact as to whether any land beyond ROW has been encroached by the WBHDCL.

I make it clear that I have not gone into the merits of the case and no observation or finding in this order will bind the Block Land and Land Reforms Officer in considering and disposing of the aforesaid grievance of the petitioner in accordance with law.

Since no affidavit-in-opposition is filed, all allegations contained in the writ petition are not admitted.

With the aforesaid directions, W.P.A. 12494 of 2021 is disposed of.

There shall be no order as to costs.

Photostat certified copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Ravi Krishan Kapur, J.)