

23.07.2021
Court No. 19
Item no.1
sn

WPA No. 18378 of 2019

SHYAMAL KANTI SAHA VS. THE
STATE OF WEST BENGAL & ORS.

(via video conference)

Mr. Prantick Ghosh

...for the petitioner

Mr. Rajarshi Basu

Ms. Rupsha Chakraborty

..for the State

Despite service, none appears on behalf of the Barasat Municipality. Let the affidavit of service be taken on record. Learned Advocates for the State respondents are present.

This writ petition has been filed alleging encroachment and/or forceful acquisition of the land of the petitioner allegedly by the Barasat Municipality, for construction of municipal road without initiating any acquisition proceedings. Title deeds have been annexed to the writ petition in support of the contention that the land which is being taken over by the Barasat Municipality, actually belongs to the petitioner.

The dispute, cannot be decided by this Court at this stage and the Court is of the view that the petitioner must make a comprehensive representation before the competent authority of the

Barasat Municipality within a week from date. If such representation is made, the grievances of the petitioner and the allegation of forceful acquisition should be taken into consideration. A reasoned order should be passed and communicated to the petitioner upon hearing the petitioner. The petitioner shall be allowed to produce all the documents in support of his contention and in support of his title to the property in question. The competent authority of the Barasat Municipality may also take assistance of the staff of the office of the concerned Block Land & Land Reforms Officer, for demarcation of the land as per the land records.

The entire exercise should be completed by the competent authority of the Barasat Municipality within four weeks from the date of receipt of the representation.

This Court has not gone into the merits of the claims of the petitioner and the Municipality is at liberty to proceed in accordance with law, independently.

This writ petition is thus disposed of.

There will be however no order as to costs.

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

(Shampa Sarkar, J.)