

WPA 473 of 2022

Megnath Halder
Vs.
The State of West Bengal & Ors.

Mr. Pankaj Halder,
Mr. Sanatan Panja,
Mr. Tapas Manna,

...for the petitioner.

Mr. Biswajit Konar,
Mr. Arijit Mahindar,

...for the respondent nos. 8 to 10.

Mr. Pantu Deb Roy,
Mr. Anand Farmania,

...for the State.

Affidavit of service filed by the petitioner is taken
on record.

The grievance of the petitioner is that the private respondents are raising illegal construction by encroaching upon the Government land which is adjoining the petitioner's property for which ingress and egress of the petitioner is being obstructed. The petitioner submitted a representation before the concerned authority on 4th January, 2022 in this regard which is yet to be disposed of.

It is submitted on behalf of the State respondents that pursuant to the representation submitted by the petitioner, the fifth respondent directed the sixth respondent to demarcate the plot in question and submit a report to that effect.

It is submitted on behalf of the private respondents that there has been no encroachment on

Government land. Though the petitioner has stated that a part of plot no. 72, renumbered as plot no. 85, was acquired by the State respondents, the record of rights reveals that the said plot is a “*khal*” recorded in the name of one Janamanjan Halder.

Upon consideration of the submissions made on behalf of the parties, this Court is of the view that as the procedure for demarcation of the land in question has been initiated, such demarcation should be completed within a reasonable period of time. If it is found that any portion of Government land has been encroached upon, the 4th respondent should initiate proceeding under the required provisions of law for removal of the same after giving reasonable opportunity of hearing to all the interested parties including the petitioner and the private respondents.

Such exercise should be completed within a period of three months from the date of communication of this order.

With such directions, WPA 473 of 2022 is disposed of. However, there shall be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)