

November 24, 2022
AD 30
Court No.1
SG

WPA 447 of 2018

Sk Saharul Haque and others
vs.
The State of West Bengal and others

Mr. Fazlul Haque,
Mr. Sanatan Mondal, Advocates
... for the petitioners

Mr. T.M. Siddiqui, Id. AGP
Mr. Nilotpal Chatterjee,
Mr. Amritalal Chatterjee, Advocates
... for the State

Mr. Sarwar Jahan,
Mr. Sayantan Hazra, Advocates
... for the respondent Nos.9 & 10

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

The plea of the petitioners in this public interest petition is that a public drainage canal runs covering RS Plot Nos.1469, 1470/LR Plot Nos.1654 and 2883 at Mouza Ranirbazar which is the recorded property of the Government entered into Khatian No.1 under Ghatal Police Station through which the excess water, waste materials are drained out throughout the year.

The allegation of the petitioners is that respondent Nos.9 and 10 have started construction for the purpose of extension of a primary teachers training institute on the aforesaid land, therefore, respondent No.8 had issued the notice dated 21.11.2017 upon respondent No.10 to stop the illegal construction on the plot in question.

Learned counsel for respondent Nos.9 and 10 has submitted that on receipt of the notice dated 21.11.2017 the construction was stopped. There is nothing on record as to what has happened thereafter. The attention of this Court has been drawn to the mass representation dated 02.01.2018 made to respondent No.2, District Magistrate, Paschim Medinipur. The representation is still pending and the same has not been decided.

Learned counsel for the State has no objection in deciding the said representation.

Hence, we dispose of the present petition directing respondent No.2 to take an appropriate decision in accordance with law on the pending representation dated 02.01.2018 after giving opportunity of hearing to all concerned parties. In case, if any illegal construction is found on the Government land, respondent No.2 will take immediate steps to remove it.

Accordingly, the present petition is disposed of.

[Prakash Shrivastava, C.J.]

[Rajarshi Bharadwaj, J.]