

WPA(P) 67 of 2022

Uttam Samanta & Ors.
Vs.
The State of West Bengal & Ors.
(Through Video Conference)

Mr. Rabindra Narayan Dutta
Mr. Sibasis Ghosh
Mr. Hare Krishna Haldar
Mr. Ardhendu Nag
Ms. Anindita Chatterjee

... .. for the petitioners

Mr. Sirsanya Bandopadhyay
Mr. Arka Kumar Nag

... .. for the State

The petitioners have approached this Court raising the grievance that the land in CS plot nos. 116 and 117 equivalents to RS plot nos. 170 and 172 within the Mouza – Kulut, Baligori No.II Gram Panchayet, Tarakeswar Police Station is settled and recorded as Debosthan for Goddess Devi Maa Manosa wherein the temple and the adjacent ground is located but the private respondents are raising construction thereon without any right.

It has been pointed out that the petitioners have already made a complaint in this regard to the respondent no.5, Additional District Magistrate and District Land & Land Reforms Officer on 30th December, 2021 vide annexure P-4 but the said complaint has not been looked into.

Learned counsel for the State fairly submits that there is no objection in considering the complaint of the petitioners.

In the present matter the affidavit of service has been filed by the petitioners indicating that the private respondent nos. 12 and 13 have refused to accept the service.

In the aforesaid circumstances, we dispose of the present petition directing the respondent no.5 to consider the grievance of the petitioners raised in the complaint dated 30th December, 2021 and take an appropriate decision in accordance with law after giving opportunity of hearing to the petitioners as also the private respondents against whom the allegation of raising illegal construction has been made.

If the respondent no.5 finds that any unauthorised or illegal construction has been raised by the private respondents on the plots in question then the appropriate action in accordance with law will be taken.

Let this exercise be completed within a period of three months from the date of receipt of a copy of this order.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)