

Sl. No.15
16.08.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A 3630 of 2022

Biphal Mondal
Versus
The State of West Bengal & Ors.

Mr. Kamal Mishra
Mr. Tanmay Mukherjee
Mr. K. Raihan Ahmed
Mr. Souvik Paul

... for the petitioner

Mr. Sudipto Panda
Mr. Subrata Ghosh

... for the State

Mr. Souvik Ghosh

... for the respondent no.5

The Block Land and Land Reforms Officer, Sonarpur, South 24 Parganas has filed a report before this Court dated 14th June, 2022, wherefrom it appears that the petitioner has a residential construction over RS Plot No.1638 (LR Plot No.1654) and 2176(LR Plot No.2210). Plot No.1638 is partly vested to the State.

The Panchayat is trying to construct a six feet wide road (passage). A portion of the petitioner's residential construction falls within the Panchayat road and maximum portion of the construction made by the petitioner is on the vested portion. The name of the petitioner is not incorporated in the record of rights.

Learned advocate for the petitioner submits that physical verification was conducted by the Block Land

and Land Reforms Officer without giving any prior notice to the petitioner. The petitioner remained unrepresented during the verification process.

Learned advocate representing the respondent nos.4 & 5 submits, upon instruction that, the petitioner was duly intimated about the verification process and he personally obstructed to the verification being conducted.

The Block Land and Land Reforms Officer's report does not mention as to whether verification was conducted upon prior notice to the petitioner. Accordingly, Block Land and Land Reforms Officer, Sonarpur, South 24 Parganas is directed to conduct a fresh inspection, upon notice, to the petitioner and any other necessary party and to prepare a report and forward the same to all the parties.

If it appears from the report that the petitioner is occupying any portion of the public land, then necessary steps shall be taken by the respondent authority for removal of the unauthorised occupant from the public land, in accordance with law.

The writ petition accordingly, stands disposed of.

Report filed by the Block Land and Land Reforms Officer, Sonarpur, South 24 Parganas be retained with the records.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)