

August 23, 2022
AD 21
Court No.1
SG

WPA (P) 109 of 2022

Ambuj Tewari

vs.

The State of West Bengal and others

Mr. Goutam Dey,
Mr. Dipendu Sarkar,
Ms. Ankita Ghosh, Advocates

... for the petitioner

Mr. Samrat Sen, Id.AAAG
Mr. Jahar Lal De,
Mr. Supratim Dhar, Advocates

... for the State

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

The allegation in this public interest petition is that RS Plot Nos.776, 779 and 800 are the forest land on which private respondents have constructed the boundary walls.

When the matter is taken up today, learned counsel for the petitioner has pointed out the correspondence dated 22.08.2019 (page 25 of the petition) which the Range Officer, Raghunathpur Range, Kangsabati North Division, Purulia had sent to the Divisional Forest Officer, Kangsabati North Division, Purulia stating that the aforesaid land belongs to forest department but it has been recorded in the name of the private respondent Nos.11 and 12 and also disclosing that several letters were sent to the Additional District Magistrate & District Land and Land Reforms Officer from the office of the Divisional Forest Officer but no action has been taken.

Learned counsel for the petitioner has also pointed out the earlier communications dated 21.08.2014, 03.09.2014 which were sent by the Range Officer to Block Land and Land

Reforms Officer and communication sent by Block Land and Land Reforms Officer, Raghunathpur-I, Purulia to the Additional District Magistrate and District Land and Land Reforms Officer, Purulia about change of record but no action has been taken.

Since necessary communications have already been sent to respondent No.5, District Land and Land Reforms Officer, Purulia, therefore, we are of the opinion that the issue needs to be examined by the said respondent after giving an opportunity of hearing to all the concerned parties including the petitioner, private respondents as also concerned officers of the forest department.

Hence, we dispose of the present petition directing respondent No.5 to conduct an inquiry on the basis of the communications which have already sent to him by the Range Officer and District Land and Land Reforms Officer, Raghunathpur in respect of the nature of the land in question and take necessary action and ascertain the true position after giving opportunity of hearing to all the concerned parties in accordance with law.

Let this exercise be completed within a period of 3 months from the date of receipt of a copy of this order.

Certified copy of this order, if applied for, be made available to the parties upon compliance of requisite formalities.

[Prakash Shrivastava, C.J.]

[Rajarshi Bharadwaj, J.]