

17th May,
2022
(AK)
07

W.P.A 7482 of 2022

Manoj Kumar Das
Vs.
The State of West Bengal and others

Mr. Salil Kr. Maiti
Ms. Pinki Saha
...for the petitioner.

Mr. Bibek Jyoti Basu
Ms. Aishwarya Jayshree
...for the State.

Affidavit-of-service filed in court today be kept on record.

The report filed in court today be kept on record.

Although it is not clear as to whether proper and complete service has been effected on the private respondents, in view of the innocuous nature of the order proposed to be passed, no further service of copy is being directed.

Service on the respondent authorities is dispensed with in view of appearance through counsel.

Learned counsel for the petitioner contends that the petitioner's ingress and egress to his premises are being blocked by the private respondents by raising an unauthorized and illegal construction on Government land immediately adjacent to the petitioner's property.

Learned counsel appearing for the State-respondent files a police report and contends that even as per the

said police report, the private respondents are encroaching upon the front portion of the Raiyati land of the petitioner by making construction as well as *pucca* and wooden fencing by which the ingress and egress path of the petitioner is almost blocked.

However, although the matter has been referred to in the report as civil in nature, a proceeding has been initiated by the respondent authorities under section 107 of the Criminal Procedure Code.

In any event, the law will take its course in respect of the criminal proceeding initiated by the respondent authorities.

WPA 7482 of 2022 is disposed of by directing the respondent no.2, that is, the Collector and District Magistrate, Purba Midnapore to take note of the complaint raised by the petitioner in the writ petition and to make adequate enquiry for the purpose of ascertaining whether appropriate steps under the Public Land (Eviction of Unauthorized Occupants) Act, 1962 ought to be initiated against the private respondents.

In the event the respondent no.2, upon necessary satisfaction, is of the opinion that such proceeding ought to be initiated, the respondent no.2 shall take immediate steps, preferably within three weeks from date, for initiating such proceedings against the private respondent nos. 9 to 11 and/or other encroachers, if any.

The parties shall act on the written communication of the learned Advocates for the parties, coupled with server copy of this order, without insisting upon prior production of a certified copy thereof.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)