

AD. 24.
June 7, 2022.
MNS.

WPA No. 8940 of 2022

Sri Ashoke Kumar Singha
Vs.
The Principal Secretary, Irrigation and
Waterways Department and others

Sk. Anwar Ali

...for the petitioner.

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

Despite service, none appears on behalf of the
respondents.

The innocuous prayer of the petitioner is that,
despite the petitioner having made a representation
before the respondent authorities in respect of
alleged unauthorised construction of a public land by
the private respondent no. 8, the respondent
authorities have not yet taken any steps under the
West Bengal Public Land (Eviction of Unauthorised
Occupants) Act, 1962 against the said private
respondent.

It is apparent that the said representation, as
submitted by learned counsel for the petitioner, was
given to the respondent authorities, as borne out by
Annexure –P/2 at page 18 of the writ petition.

Hence, WPA 8940 of 2022 is disposed of by
directing the respondent no. 3, that is, the District
Magistrate (Collector), Purba Medinipur, to take

adequate steps against the private respondent no. 8 at the earliest, upon prior verification as regards the said private respondent's occupation/construction being unauthorised, in the event the said respondent is, in the opinion of the Collector, in unauthorised occupation of government land.

It is made clear that the merits of the allegations of the petitioner and/or the prospective defence of respondent no. 8 have not been gone into by this Court and it will be open to the said parties to urge all their issues and contentions before the appropriate authority.

The respondent no. 3, for the purpose of compliance of this order, shall initiate such enquiry at the earliest and come to a *prima facie* conclusion for the purpose of ascertaining whether the construction-in-question is unauthorised, as expeditiously as possible, preferably within one month from the date of communication of this order to the respondent no. 3.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)