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08.06.2022
TN

WPA No.9303 of 2022

Sri Bishnu Pada Dutta and others
Vs.
The State of West Bengal and others

Mr. Bharat Ch. Simai

.... for the petitioners

Mr. Rajarshi Basu,
Mr. K.M. Hossain

.... for the State

Learned counsel for the petitioners submits that despite the petitioners having given a representation to the Collector, Purba Medinipur, that is, the respondent no.2 herein, to the effect that the respondent no.7 has been making unauthorised construction and illegal encroachment on a public land adjacent to the petitioners' property, the respondent no.2 has not yet taken any steps thereon.

Learned counsel appearing for the State hands over a report sought to be filed by the Officer-in-Charge of the Ramnagar Police Station where it is indicated in bold letters that **“no any wall constructed over the said plot could be found”**.

However, there is no scope of the Officer-in-Charge giving any such report since the court is unaware of any law empowering the Officer-in-Charge of the local police station to do so and/or to adjudicate the civil rights of the parties, even *prima facie*.

Since the allegations of encroachment and illegal construction have been made against the Pradhan of the area, it is all the more expected that the respondent no.2 ought to have decided on the said representation at the earliest, in order to establish that there is transparency in administrative procedure in the area.

Be that as it may, WPA No.9303 of 2022 is disposed of by directing the Collector, Purba Medinipur (respondent no.2 herein) to decide on the representation of the petitioner, as annexed at page-19 (Annexure-P3) of the writ petition, as expeditiously as possible, positively within one month from date, in accordance with law and, if necessary, upon considering this order to be information within the contemplation of the Public Land (Eviction of Unauthorised Occupants) Act, 1962 (hereinafter referred to as “the 1962 Act”).

The respondent no.2, if satisfied that any such illegal construction or unauthorised occupation is

being carried out by the respondent no.7 or any other person on a government/public land, the respondent no.2 shall initiate proceedings immediately under the 1962 Act and/or the appropriate Act applicable for eviction of the unauthorised occupants and removal of the encroachment.

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

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.)