

03
22.06.2022
TN

WPA No. 9864 of 2022

Mithun Paul
Vs.
The State of West Bengal and others

Mr. Debasish Kundu,
Ms. Doyel Dey

.... for the petitioner

Despite good service, none appears for the respondents, including the private respondents, when the matter is called on for hearing. It is seen from the affidavit-of-service, which is filed today and is kept on record, that some of the envelopes sent to the respondents have returned with the endorsement 'refused'. Hence, there is no other option but to take up the matter for hearing *ex parte*.

The principal prayer made in the writ petition is innocuous. As such, no further service is directed on the respondents.

Learned counsel for the petitioner contends that, even upon giving several representations to the respondent-authorities, no steps were taken for vacating a government land adjacent to the

petitioner's purchased property, which has been encroached by the private respondents. It is further submitted that an unauthorized structure has been built on the said Government land by the private respondents, for which the respondent-authorities ought to have taken steps immediately for eviction and/or removal of the unauthorized construction on the Government land under the relevant statute.

Accordingly, WPA No.9864 of 2022 is disposed of by directing the Respondent No. 5, that is, the Sub-Divisional Officer, Krishnagar, to decide the representation given by the petitioner, as annexed at page-48 (Annexure-P8) of the writ petition, in accordance with law and upon giving adequate opportunity of hearing to the petitioner as well as the private respondents and all others concerned, if any, and ascertain whether the occupation and construction of the private respondents, allegedly made on Government land, is unauthorized or unlawful. Such exercise shall be concluded as expeditiously as possible, preferably within eight weeks from the date of communication of this order to the Respondent No. 5, that is, the Sub-Divisional Officer, Krishnagar.

In the event the Respondent No. 5 is of the opinion, upon such inquiry as necessary, that

unauthorized structure or unauthorized encroachment has occurred on any Government land, the respondent no.5 shall take immediate consequential steps thereafter for initiating due proceedings under the appropriate provisions of the Public Land (Eviction of Unauthorized Occupants) Act, 1962 and/or any other statute, if applicable. The respondent no.3 shall act on a server copy of this order, coupled with the communication by the learned Advocate for the petitioner, without insisting upon prior production of a certified copy thereof, for the purpose of compliance.

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.)