

AD. 9.
June 22, 2022.
MNS.

WPA No. 10568 of 2022

Sandip Pramanik
Vs.
The State of West Bengal and others

Mr. Balai Lal Sahoo,
Mr. Sankha Prasad Roy

...for the petitioner.

Mr. T. K. Adhikari,
Mr. Somraj Dhar

...for the State.

Mr. Sutirtha Das

...for the respondent nos. 10 and 11.

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

Learned counsel for the petitioner contends
that the private respondent nos. 10 and 11 are
raising an unauthorized construction immediately
adjacent to the petitioner's property, for which the
petitioner has made several representations to some
of the respondent authorities, but without any effect.

Learned counsel for the private respondent
nos. 10 and 11 submits that the petitioner himself is
in unauthorized occupation of the property claimed
by the petitioner, which is, of course, controverted by
learned counsel for the petitioner in turn.

Learned counsel for the State respondents
submits that respondent no. 7, that is, the Assistant
Engineer, Contai Highway Sub-Division,
P.W.(Roads) Department, Contai has already

initiated steps with regard to the complaint made by the petitioner by seeking a report on the issue.

In the circumstances of the case, WPA No. 10568 of 2022 is disposed of by directing the respondent no. 7 to decide the question as to whether the private respondent nos. 10 and 11 are actually making any unauthorized construction and/or are in unauthorized occupation of any Government/public land.

In the event the respondent no. 7 comes to a *prima facie* finding that there has been unauthorized encroachment or illegal construction on the part of the private respondent nos. 10 and 11 on a public land, the respondent no. 7 shall refer the matter to the respondent no. 3, that is, the Sub-Divisional Officer, Contai for initiating appropriate proceedings under the West Bengal Public Land (Eviction of Unauthorized Occupants) Act, 1962 and/or any other similar statute, if applicable.

The above exercise shall be completed by the respondent no. 7 as expeditiously as possible, positively within three weeks from date.

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.)