

C/L. 27.
July 7, 2022.
MNS.

WPA No. 11361 of 2022

Smt. Mamata Laga and others
Vs.
The State of West Bengal and others

Mr. Apurba Krishna Das

... for the petitioners.

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

Despite service, none appears on behalf of
the respondents.

The limited grievance of the petitioners is
that, despite the petitioners having given a
representation to the Sub-Assistant Engineer,
Ghatal Sub-Division, Department of Irrigation,
Government of West Bengal, no steps have been
taken by the said authority in respect of initiating
any proceeding for eviction and demolition of the
unauthorized construction of the respondent nos.
6 and 7. Such representation is annexed at
page- 30 as Annexure 'P-4' to the writ petition.

Since the scope of the relief sought is
innocuous, no further service is directed on the
respondents.

WPA No. 11361 of 2022 is disposed of by directing the respondent no. 5 to consider and decide on the representation dated March 31, 2022 made by the petitioners (Annexure- P4 at page 30 of the writ petition) upon giving adequate opportunity hearing to the petitioners and the private respondents and all other concerned, if necessary upon holding adequate enquiry in respect of the issue, as expeditiously as possible, preferably within four weeks from the date of communication of this order to the respondent no.5.

The petitioners shall intimate this order to the respondent no. 5 expeditiously for the purpose of compliance of the same.

It is made clear that the merits of the allegations made by the petitioners have not been gone into by this Court. It will be open to the respondent no. 5 to consider the materials produced before the said respondent on their own merits independently and in accordance with law.

In the event it is found that the private respondents are in unauthorized occupation of any public land and/or have made any unauthorized construction thereon, the respondent no. 5 shall take necessary steps for

initiation of proceedings under the West Bengal Public Land (Eviction of Unauthorized Occupants) Act, 1962, as expeditiously as possible thereafter.

The parties shall act on the written communication of the learned Advocate for the petitioners, accompanied by a 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 certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)

