

22.09.2022
Court No. 19
Item no.16
CP

W.P.A. No. 13386 of 2021

Chatali Bera & anr.

Vs.

The State of West Bengal & Ors.

Mr. Golam Mastafa

Mr. T.S. Samanta

Mr. S. Sardar

...for the petitioners.

Mr. Swapan Kumar Chatterjee

...for the State.

Mr. Uttam Kr. Bhattacharyya

...for the respondent nos. 3 & 4.

Ms. Shebatee Datta

...for the respondent nos. 8, 9 & 10.

Perused the report filed by the Executive Engineer & HPIU, WBSRDA, Purba Medinipur Division. It appears that the Assistant Engineer & Land Manager of Purba Medinipur Zilla Parishad conducted an inspection on September 19, 2022. The report indicates that the petitioners are the recorded owners of an area measuring around 14.04 decimals in Plot No. 138, which has been classified as 'Jal'. The total area of the plot is 178 decimals. The Purba Medinipur Zilla Parishad constructed a pucca road on a part of Plot No. 138 under the PMGSY Scheme. The enquiry report further indicates that the

respondent nos. 8 to 10 have been possessing Plot No. 136, which has been classified as 'bheribandh'. The land belongs to the West Bengal Works & Building Department. The said plot is adjacent to Plot No. 138. It appears that some shops with brick-built walls, tile shed and bamboo fencing, have been erected.

It is submitted that the respondent nos. 8 to 10 have made such construction with the permission/licence and/or consent of the government. It is for the authority to decide whether such shops can remain or not. The writ court cannot go beyond the inspection report and the licences which have allegedly been granted to the respondent nos. 8 to 10.

The inspection report does not indicate that there has been any construction either on the public road or on the land of the petitioner.

It appears that the Executive Engineer, Contai Irrigation Division and Chairman, Land Management Committee, Contai, Purba Medinipur, had given permission to the said respondents to run the tea shops.

The writ petition is disposed of with a direction upon the authorities to ensure that the public road should be clear and the ingress and egress of the petitioners should not be disturbed.

No opinion has been expressed with regard to the shops of the respondent nos. 8 to 10, which is allegedly on Plot No. 136, as per the report.

It is made clear that the respondent nos. 8 to 10 shall restrict their activities within Plot No. 136.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)