

05.09.2022
Court. No. 19
Item 32 (ML)
Cp

W.P.A. No. 15632 of 2022

Mrinal Kanti Das & anr.
Vs.
The State of West Bengal & Ors.

Mr. Saumyen Dutta
Mr. Ashutosh Mukherjee
Mr. Kousik Karmakar
... for the petitioners.

Mr. Samim Ahamed
Mr. Arka Maiti
Ms. A. Khatun
... for the respondent Nos. 6 & 7.

Mr. Sudipto Panda
Ms. M. Tewary
...for the State.

The petitioners allege construction on a vested land and partly on their own land, by the respondent nos. 6 and 7. The dispute is with regard to a construction on Dag No. 683 of Mouza – Takipur. The petitioners claim to be the owner in respect of Dag No. 579, by way of inheritance. The plots are adjacent to each other.

Learned advocate for the respondent nos. 6 and 7 submits that the said respondents are owners of Plot Nos. 683 and 684 and their names have been recorded in the record of rights.

The police report indicates that the land had been acquired by the PWD authorities, but the petitioners had constructed a road over such land. That the petitioners had also encroached into a portion of the said land by construction of a shop.

As these are disputes which cannot be decided by this court, the petitioners are granted liberty to approach the concerned District Magistrate with their grievances. The concerned District Magistrate shall act and proceed in accordance with law. If it is found that the land is vested and the construction was without any permission from the competent authority, then the District Magistrate shall make an enquiry upon hearing all the interested parties and pass necessary orders. Such order shall be communicated to the parties.

If it is found that such construction has been made on a vested land and without any permission from the competent authority then the matter shall be referred to the competent authority as per the provisions of law who would be authorized in the facts and circumstances of the case to remove such unauthorized construction/encroachment on a vested land, in accordance with law.

This court has not gone into the merits of the claims and counter claims of the parties.

The entire exercise shall be completed within a period of four months from the date of communication of this order.

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.)