

S/L. 42.
August 10, 2022.
MNS.

WPA No. 16842 of 2022

Anjura Bibi
Vs.
The State of West Bengal and others

Mr. Salil Kumar Maiti,
Ms. Pinki Saha

... for the petitioner.

Mr. Pantu Deb Roy,
Mr. Pannalal Bandyopadhyay

...for the State.

Mr. Uttam Bhattacharyya

...for the respondent nos. 6,7 & 8.

Mr. Bhaskar Chandra Manna

...for the respondent nos. 10, 11,
13, 14 & 15

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

Learned counsel for the petitioner submits
that the private respondents have encroached
upon the land owned by the Zilla Parishad and
despite the petitioner having brought the same to
the notice of the District Magistrate/Collector for
the purpose of taking steps under the West
Bengal Public Land (Eviction of Unauthorised

Occupants) Act, 1962 (1962 Act), no steps have been taken thereon.

Learned counsel for the State submits that a hearing has been fixed today by the Block Land & Land Reforms Officer (BL &LRO) in connection with the dispute raised as regards the alleged unauthorised occupation.

Learned counsel appearing for the Zilla Parishad submits, in his usual fairness, that the Zilla Parishad can take a decision in respect of the allegation raised herein, since the land admittedly belongs to the Zilla Parishad.

Learned counsel for the private respondents, however, controverts the allegation made in the writ petition and submits that the private respondents have been in occupation of the structure-in-question at least for the last eighty years and the writ petition is not maintainable in the eye of law and in its present form.

The limited scope of consideration in the writ petition is whether the petitioner's allegation of unauthorised construction is to be decided by the Collector or not.

Since the hearing date has been fixed today itself by the concerned BL&LRO, such

factual enquiry would only aid in ascertaining the veracity of the petitioner's allegation.

Hence, there is no scope of interference with the hearing fixed by the BL&LRO. Upon the BL&LRO coming to a conclusion, the BL&LRO shall file a report with regard to his conclusion before the concerned District Magistrate/Collector, that is, respondent no. 2.

In the event it is found by the BL&LRO in the report that there has been unauthorised encroachment in respect of a public land, the respondent no. 2 shall thereupon take necessary adequate steps under the 1962 Act in accordance with law.

It is made clear that the BL&LRO, for the purpose of coming to such conclusion, shall give an opportunity of hearing to the petitioner and the private respondents as well as the concerned Zilla Parishad. The merits of the contentions raised in the writ petition are not entered into by this Court and it will be open to the BL&LRO and the District Magistrate/Collector, if required, to decide all issues involved in accordance with law, upon giving an opportunity of hearing to all interested persons.

The intimation of the date of hearing given by the BL&LRO August 2, 2022 handed over by learned counsel for the State be kept on record.

With the aforesaid observations, WPA 16842 of 2022 is disposed of.

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.)