

19th December, 2022
(D/L No.22)
(SKB)

W.P.A. 17585 of 2022

Nature and Living Private Limited and another
Versus
The State of West Bengal and others

Mr. Debabrata Saha Roy,
Mr. Neil Basu
... for the petitioners.

Mr. Subhabrata Datta,
Mr. Banibrata Datta
... for the State.

After hearing learned counsel appearing for the petitioners and the State respondents, it appears from a communication dated 1st June, 2022 from the B.L. & L.R.O., Bolpur, Birbhum to the S.D.O., Bolpur that the authorities acted upon a complaint of one Kalicharan Konra and 62 others of a village falling under the Santiniketan Police Station with regard to erection of concrete wall along the embankment of Kopai river. The concerned B.L. & L.R.O., Bolpur, Birbhum further wrote that the concrete base had been found in the embankment of the said river together with a concrete wall.

This communication forms the basis of the impugned order of the Sub-Divisional Magistrate, Bolpur, Birbhum dated 26th July, 2022 which is under challenge in the present writ petition.

By the said order, an order of eviction was passed under the provisions of The West Bengal Public Land (Eviction of the Unauthorised Occupants) Act, 1962 against the petitioners and the petitioners were asked to deliver possession of the land to the B.L. & L.R.O., Bolpur, Birbhum.

Learned counsel appearing for the State fairly submits that the petitioners may not have been provided with all the documents referred to in the impugned order.

Considering the materials on record, this court is of the view that the communication dated 1st June, 2022 indicates that the enquiry and observations in the said order were primarily based on a complaint of the persons mentioned in the said communication. The petitioners were admittedly not present at the time of making the enquiry or the inspection.

W.P.A.17585 of 2022 is accordingly disposed of with a direction on the Sub-Divisional Officer, Bolpur, Birbhum being the respondent no.4 to conduct a fresh inspection of the alleged encroachment on the concerned land in the presence of the petitioners as well as the complainants mentioned in the letter of 1st June, 2022. The respondent no.4 shall be at liberty of deputing the respondent no.5 being the B.L. & L.R.O., Bolpur, Birbhum to conduct the said enquiry and

inspection within a fortnight from today. The concerned S.D.O. shall thereafter conduct the hearing of the interested parties upon providing all relevant documents to them within a period of three weeks from the date on which the inspection is completed.

The impugned order dated 26th July, 2022 is accordingly quashed and set aside in terms of the above.

(Moushumi Bhattacharya, J.)