

July 15, 2022
ARDR
(12)

WPA 19413 of 2021

Chandan Kumar Mondal
Vs.
The State of West Bengal & Ors.

Md. Sarwar Jahan,
Mr. Debayan Sen,
Mr. Nilay Baran Mondal,
Mr. Maidul Islam Kayal,
Mr. Anisur Rahaman,

...for the petitioner.

Ms. Chaitali Bhattacharjee,
Mr. Kartick Chandra Kapas,

...for the State.

The grievance of the petitioner is that the private respondents have constructed a room by encroaching upon two decimals of Government land in L.R. Dag no.731 corresponding to R.S. Dag no. 430 adjoining the property owned by the petitioner, thereby obstructing the ingress and egress of the petitioner. The petitioner intends to submit a comprehensive representation ventilating his grievance before the 6th respondent and prays for a direction upon the 6th respondent to consider the representation at the earliest.

A letter issued by the Revenue Inspector, Rudranagar, South 24 Parganas to the Land and Land Reforms Officer, South 24 Parganas on 9th November, 2021 demonstrates that two decimals of land in question belonging to the Government has been encroached upon by the private respondents by construction of a room therein. The letter also suggests that the petitioner has his

residential property in L.R. Dag no.730 which is adjoining the plot in dispute. Surprisingly, the report in the form of affidavit submitted on behalf of the 11th respondent is silent with regard to the said two decimals of plot and records that 18 decimals therein have been recorded as *riayati* land under R.S. Khatian.

Be that as it may, upon consideration of the submissions made on behalf of the parties, this Court is of the view that the petitioner may be granted liberty to submit a comprehensive representation before the authority which can be disposed of by the authority in accordance with law.

Accordingly, the writ petition is disposed of with liberty to the petitioner to submit a comprehensive representation in this regard before the 6th respondent within a week from date. The 6th respondent is directed to consider and dispose of the representation within a month from the date of receipt thereof after affording reasonable opportunity of hearing to all the interested parties including the petitioner and the private respondents, in accordance with law.

The decision taken by the authority shall be communicated to the petitioner within a week thereof.

It is made clear that this Court has not gone into the merit of the case and the parties shall be at liberty to place their respective contentions before the concerned authority at the time of hearing.

With the aforesaid directions, WPA 19413 of 2021 is disposed of. There shall however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh, J.)