

WPA 19132 of 2022

Subhash Chandra Banik
Vs.
The State of W. B. & Ors.

Mr. Piush Chaturvedi
Mr. A. B. Ghosh
Mr. Chittapriya Ghosh
Mr. S. Ghosh ...for the petitioner.

Mr. Chandi Charan De
Mr. A. Sarkar ...for the State.

Affidavit of service filed on behalf of the petitioner is taken on record.

Heard learned counsels for the parties.

It is contended on behalf of the petitioner that the petitioner's land is adjoining the government land, which houses a police station and there is no demarcating boundary wall between the two plots.

The petitioner intended to secure his property by raising a boundary wall which was objected to by the police authorities on the ground that the area of petitioner's plot could not be ascertained without demarcation.

The petitioner submitted a representation before the Block Land and Land Reforms Officer, Kamnara, Pirtala, Purba Burdwan on 23rd March, 2022, which has not been considered till date.

The petitioner subsequently filed a similar application before the District Land and Land Reforms Officer on 13th April, 2022, which was responded to by the latter by a letter issued by the Additional District Magistrate and District Land and Land Reforms Officer on 14th June, 2022 that no demarcation of private land could be conducted by government Amin without any order passed by the Hon'ble Court.

It is submitted on behalf of the respondents that the concerned authority be directed to consider the representation, in accordance with law.

In view of the above, this Court is inclined to hold that demarcation of the government land is necessary in order to distinguish the petitioner's land from the plot owned by the government.

Accordingly, the writ petition is disposed of directing the 5th respondent to consider and dispose of the representation submitted by the petitioner dated 13th April, 2022 and take necessary steps for demarcation of the plot owned by the government in order to enable the petitioner to raise a boundary wall in his own plot for safety and security of the plot. Such exercise should be completed within two months from the date of communication of this order after affording reasonable opportunity of hearing to all the interested parties including the petitioner, in accordance with law and the demarcation/enquiry be

conducted in the presence of the petitioner or his authorised representative.

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

With the above observations and directions, the writ petition being WPA 19132 of 2022 is disposed of.

However, there shall 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 supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)