

September 26, 2022
Sl. No.19
Court No.1
s.biswas

WPA (P) 438 of 2022
Avijit Sahu and others
vs.
The State of West Bengal and others

Mr. Soumen Kr. Dutta,
Mr. Sabyasachi Bhattacharjee,
Mr. Subham Dutta, Advocate
... for the petitioners
Mr. Amitesh Banerjee, Sr. Standing Counsel
Mr. Sudhadev Adak, Advocates
... for the State
Mr. Atarup Banerjee,
Mr. Abu Sohel,
Mr. Raju Bhattacharyya, Advocates
... for the respondent No.7
Mr. Koushik Chatterjee,
Mr. Nilanjan Adhikari, Advocates
... for the Municipality

The affidavit of service filed by the petitioners is taken on record.

The allegation of the petitioners is that on a public land in R.S. Plot No.79 correspondent to L.R. Plot No.96 in Mouza- Sub-Division of Kumarpur, J.L. No.368, with the classification as Bastu, an unauthorized and illegal construction has been made by the local leaders of one of the political parties.

The submission of learned counsel for the petitioners is that the petitioners have already made the representation dated 8th August, 2022 to the respondent No.2 (The District Magistrate/Collector, Purba Medinipur), but no decision on that representation has been taken.

Private respondent No.7 has denied the said allegation.

Having regard to the nature of controversy involved in the matter, we are of the opinion that the representation submitted by the petitioners needs to be examined by the respondent No.2 in accordance with law.

Hence, we dispose of the present petition by directing the respondent No.2 to duly consider the petitioners' representation dated 8th August, 2022 and carry out spot inspection, if required and take appropriate decision in accordance with law after giving an opportunity of hearing to all the concerned parties. If any unauthorized construction on the public land is found then respondent No.2 will take expeditious appropriate steps in accordance with law to remove the same.

Let this exercise be completed within a period of four months from the date of receipt of a copy of this order.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)