

September 20, 2022
AD 8
Court No.1
SG

WPA(P) 451 of 2022

Subrata Mukherjee and another
vs.
The Secretary, Department of Land and others

Mr. Pradyat Saha,
Mr. Biswanath Banerjee, Advocates
... for the petitioners.

Mr. Amitesh Banerjee, Id. Sr. St. Counsel
Mr. Tarak Karan, Advocate
... for the State.

Affidavit of service filed by petitioners is taken on record.

The grievance raised in this petition is that there is a waterbody in the form of pond and low land in Masjid Bari Lane which has been filled up by unknown persons for the purpose of raising multi-storeyed building.

Learned counsel for the petitioners has stated that this process is going on from 2016 and still continuing.

The report submitted by the Block Land & Land Reforms Officer, Barrackpore-II, North 24 Parganas dated 31.07.2018 has been filed as annexure P-4 in support of the plea taken in the writ petition.

When the matter is taken up today, learned counsel for the petitioners has pointed out that the mass representation dated 08.04.2021 submitted before the respondent No.2, District Magistrate, Barasat, North 24 Parganas has not been considered till now.

Learned counsel for the State has no objection in issuing a direction to decide said representation.

This Court is of the view that the nature of allegations made herein require a factual inquiry, which can more appropriately be done by respondent No.2 after carrying out the spot inspection and considering the report.

Hence, we dispose of the present petition directing respondent No.2 to duly consider the petitioners' representation dated 08.04.2021 in accordance with law after giving opportunity of hearing to the petitioners and all other concerned parties and after conducting an inquiry.

Let this exercise be completed within a period of 4 months from the date of receipt of a copy of this order.

[Prakash Shrivastava, C.J.]

[Rajarshi Bharadwaj, J.]