

31.10.2022
Sl. No.21(DL)
srm

W.P.A. No. 22011 of 2022
Sri Himangshu Sekhar Majhi & Ors.
Vs.
The State of West Bengal & ors.

Mr. Safikul Mondal
....for the Petitioners.

Mr. Rajarshi Basu,
Mrs. Karabi Roy
...for the State-respondents.

Affidavit-of-service is taken on record. Despite service, none appears on behalf of the respondent Nos.8, 9 and 10. As this court is not inclined to pass any mandatory directions, the writ petition is taken up in their absence.

The allegation is against the authority of Kandarpapore Satilapur Gram Panchayat, District-Purba Midnapore.

It is contended by the petitioners that the respondent No.10 had raised an illegal construction on a government land just in front of the premises belonging to the petitioners. According to the petitioners, such illegal construction not only encroached upon the government land but had also blocked the egress and ingress of the petitioners. The petitioners submit that the panchayat

authorities were required by law to take necessary action in respect of such illegal construction. Reliance has been placed on Section 25(2) of the West Bengal Panchayat Act, 1973.

The learned Advocate for the State-respondents has submitted a report. It appears that the Block Land and Land Reforms Officer, Ramnagar-II, Purba Midnapore intimated the Assistant Sub-Inspector, Ramnagar Police Station, Ramnagar, Purba Midnapore that the office records *prima facie* revealed that the construction on LR Plot No.123 of mouza Keshabpur was upon a vested land, which was classified at '*Gramya Veri*'.

The writ petition is disposed of with a direction upon the Additional District Magistrate (Land Reforms), Purba Midnapore (Tamluk) to dispose of the representation of the petitioners dated April 11, 2022, which is annexure P3 at page 16 to the writ petition, in accordance with law. The issues raised by the petitioners, shall be decided and steps shall be taken strictly in accordance with the relevant applicable laws. In case it is found that the construction has been made on the land vested to the State of West Bengal, without any permission, in that event all steps shall be taken in accordance with law upon following the principles of natural justice and upon

giving adequate opportunity to all the parties to make their submissions at the time of hearing.

The entire exercise shall be completed within a period of six months from the date of communication of this order.

The report filed by the State-respondents is taken on record.

As no affidavits have been called for, all allegations against the respondent are deemed to be denied.

The writ petition is, thus, disposed of.

There shall be no order as to costs.

Parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)