

March 8, 2022
Sl. No.13
Court No.1
SG/s.biswas

WPA 21761 of 2018

Suman Kumar Maity

vs.

The State of West Bengal and others
(Through Video Conference)

Mr. Tanmoy Mukherjee,
Mr. Souvik Das,
Mr. K. Rachan Ahmed,
Mr. Rudranil Das, Advocates

... for the petitioner

Mr. Susovan Sengupta,
Mr. Subir Pal, Advocates

... for the State

In this public interest litigation a prayer has been made seeking a direction to the respondents to remove the illegal construction from the land in question and further to utilize the land for the purpose for which it was acquired.

The submission of learned counsel for the petitioner is that 2.02 acre of land under J.L. No.122, Mouza Raidighi Abad was acquired for the purpose of construction of Raidighi Kankandighi Bridge, but thereafter no steps were taken for the construction of the bridge and that illegal encroachment on the acquired land has been done. He has referred to the notice dated 15.11.2016 (Annexure P-4) issued under Sub-section (1) of Section 3 of the West Bengal Public Land (Eviction of Unauthorized Occupants) Act, 1962 and has submitted that though the action was initiated against the unauthorized occupants on the said land, but the eviction has not been done so far.

Learned counsel for the State has fairly submitted that there is no objection in taking further action in pursuance to the notice already issued to evict the unauthorized occupants.

Hence, we direct the respondents to take appropriate action in accordance with law to evict the unauthorized occupants from the land in question.

So far as the second relief relating to utilization of the land for the purpose for which it was acquired, petitioner is directed to file appropriate representation before the respondent No.1.

On receipt of such representation the respondent No.1 will duly consider the grievance of the petitioner and in case any adverse decision is taken then it will pass the reasoned speaking order.

Let this exercise be completed within three months from the date of receipt of the certified copy of this order.

The present petition is accordingly disposed of.

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.]