

6      15.11.2022

gd/ssd

WPA(P)/538/2022  
SK. NIYAJUL HAQUE  
VS

THE STATE OF WEST BENGAL AND ORS.

Mr. Shahan Shah,  
Mr. Soumen Barman

..for the Petitioner.

Mr. Jaharlal De,  
Mr. Supratim Dhar

..for the State.

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

The plea of the petitioner in this public interest petition is that the part of the land at R.S. Plot No.598, Mouza-Panchur, J.L. No.03 under Police Station– Metiabruz (now under Rabindranagar Police Station), District-South 24-Parganas, Ward No.9 of Maheshtala Municipality was acquired by the State Government for the purpose of excavation of gutter channel for drainage of Makalhati Panchur. The allegation of the petitioner is that the private respondents are raising illegal construction on the said acquired land.

Learned counsel for the petitioner has pointed out that the notice dated 31.08.2022 was also issued by the Sub-Assistant Engineer, Building Department of the Maheshtala Municipality but thereafter no action has been taken.

Record reflects that the petitioner has already filed the representation dated 04.09.2022 before the

respondent no.2 i.e. District Magistrate and Collector, South 24-Parganas and the said representation has not been decided till now.

Learned counsel for the State fairly submits that he has no objection in deciding the representation.

Only prayer of the petitioner is that meanwhile the construction should not be allowed to continue.

In the aforesaid circumstances, we dispose of the present petition by directing the respondent no.2 to duly consider the petitioner's representation dated 04.09.2022 and ascertain the true position of the land in question and take appropriate decision in accordance with law after giving an opportunity of hearing to all the concerned parties as expeditiously as possible preferably within a period of three months from the date of receipt of a copy of this order. In case the respondent no.2 finds that any construction has been raised illegally on the acquired land, then immediate action will be taken to ensure that the land is restored to its original position.

The petition is accordingly disposed of.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)

