

14.01.2022
Item No.33
srm

W.P.A. No. 23222 of 2019
Subodh Kumar Pal & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Shamit Sanyal,
Ms. Priyakshi Banerjee,
Ms. Shahana Nazmin

...for the Petitioners.

Mr. Raghunath Chakraborty

...for the Maheshtala Municipality.

Despite service, none appears on behalf of the State-respondents. Affidavit of service is taken on record.

The petitioners have alleged that the Maheshtala Municipality has encroached into a plot of land of the petitioners situated at Dag Nos.83 and 84 of Mouza Bangla, J.L. No.41, Police Station Maheshtala, District-South 24-Parganas, and has constructed a building thereon, illegally.

It is the contention of the petitioners that the municipality had encroached into the property of the petitioners and on the basis of the complaint lodged by the petitioner, a joint measurement was taken. The petitioners rely on a notice issued by the then Chairman of the Maheshtala Municipality dated September 25, 2018, from which it appears that the municipality had proposed to hold a joint inspection.

It is submitted that the joint inspection was held but thereafter no further progress had been made with regard to the demarcation of the land of the petitioners and the land over which the municipality was constructing.

It appears that the petitioners had made several requests before the then Chairman of the Maheshtala Municipality for compensation. It is alleged that the petitioners were assured that they would be adequately compensated. The records, however, do not reveal that the Maheshtala Municipality had at any point of time agreed to compensate the petitioners or had admitted that the lands of the petitioners had been encroached upon. However, the municipality was conscious of the complaint of the petitioners and had decided to hold a joint inspection. Thus, the matter has to be decided in accordance with law.

The competent authority of the Maheshtala Municipality shall hold a fresh inspection in the presence of the petitioners with the help of the Amin of the office of the concerned Block Land and Land Reforms Officer. The demarcation of the lands of the petitioners shall be made with reference to the Mouza map and land records and also the deeds and documents in favour of the ownership of the petitioners. The inspection report shall be supplied to the

petitioners and on the basis of the inspection report, the petitioners shall be at liberty to approach the authorities for payment of compensation, if it so appears from the report that the municipality had encroached into a portion of the land owned and possessed by the petitioners.

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

This writ petition is, thus, disposed of.

There will be no order as to costs.

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

(Shampa Sarkar, J.)