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03-05-2023
debajyoti
(Ct. no.06)

MAT 25 of 2023
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IA NO:CAN/2/2023

Pranab Kumar Basu
Vs.
The State of West Bengal & Ors.

Mr. Mrinal Kanti Ghosh
... For the Appellant.

Mr. Himadri Sikhar Chakraborty,
Mr. Raja Ram Banerjee
... For the State.

Mr. Somnath Roy,
Mr. Kousik Karmakar
... For the Municipality.

Ms. Dipanwita Ganguly
... For Respondent Nos.5 & 6.

By consent of the parties, the appeal and the connected application are taken up together for hearing.

Report of the Rehabilitation Officer, Chandernagore, Hooghly, dated April 28, 2023, jointly signed by the Surveyor, Gr-I, R.R. & R. Deptt, SDO's Office, Chandernagore, Hooghly, forwarded by the concerned SDO to the concerned Additional District Magistrate and in turn, forwarded by the Additional District Magistrate to learned State Advocate, filed in Court today, be taken on record. The report is to the effect that upon spot inspection, it appears that the private respondents have encroached upon 490 sq. ft. of government land.

We are of the view that some highly placed person in the administration should look into the matter and after granting opportunity of hearing to all concerned parties, come to a finding as to whether or not there is,

in fact, encroachment by the private respondents on government land.

Accordingly, we grant liberty to the appellant/writ petitioner to make a comprehensive representation to the District Magistrate, Hooghly, within a fortnight from date as regards his complaint of encroachment on government land by the private respondents. The District Magistrate, Hooghly, is directed to dispose of such representation after giving an opportunity to the private respondents herein to file their reply to the representation and after giving opportunity of hearing to all concerned parties. The District Magistrate will be at liberty to consider the report of the Rehabilitation Officer dated April 28, 2023 that has been filed in Court today. If the District Magistrate comes to a finding that there is, in fact, encroachment on government land, he shall direct institution of such legal proceeding, as he may deem proper, for recovering possession of government land from the encroacher.

Let the exercise before the District Magistrate be completed within six weeks from the date of communication of this order by the appellant to him.

The appeal and the connected application are, accordingly, disposed of.

Affidavits not having been called for, the allegations in the stay petition, shall be deemed not to have been admitted by the respondents.

All parties shall act on server copies of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties on compliance of all necessary formalities.

(Apurba Sinha Ray, J.) (Arijit Banerjee, J.)