

11.01.2023
rc/ct.no.10
Item No.85

WPA No. 845 of 2023

Mr. Uday Narayan Betal
Mr. Partha Sarathi Mondal ...for the petitioner

Mr. Chandi Charan De
Mr. Anirban Sarkar ...for the State

Affidavit of service filed in Court today is taken on record.

The petitioner prays for cancellation of the demarcation report and the sketch map dated 3rd January, 2023 on the ground that the demarcation was not made in presence of the petitioner and also, the sketch map was not drawn to scale.

It transpires from the demarcation report as well as sketch map that though it is recorded that the demarcation was held in presence of six unauthorised occupants including the petitioner herein, the report or the sketch map does not bear the signature of any of the said persons. The petitioner submits that he ordinarily resides at Thane in Maharashtra and returned to Kolkata only on 9th January, 2023.

Upon consideration of the submission made on behalf of the parties, this Court is inclined to hold that since the respondent authorities allege that the petitioner along with other persons are unauthorised occupants of public land, demarcation of the said land ought to be held

in presence of the petitioner as well as other allegedly illegal occupants.

Accordingly, the demarcation order and sketch map dated 3rd January, 2023 are set aside.

The concerned authority being the 9th respondent herein is directed to take necessary steps for demarcation of the plot in question in presence of all interested persons including the petitioner/ his authorised representative and prepare a demarcation report within two months from the date of communication of this order, in accordance with law. Notice of the date and time of demarcation be served upon the petitioner as well as all other interested persons well in advance.

The Sub-Divisional Officer, Ghatal made take necessary steps, if any, after completion of demarcation.

With the above observations and directions this writ petition is disposed of.

There shall be, however, no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh,J)