

WPA 2976 of 2023

Radhakrishna Mondal

Vs.

The State of West Bengal & Ors.

Mr. Salil Kr. Maity
Ms. Dolon Samanta ...for the petitioner.

Sk. Md. Galib
Ms. Jyotsna Roy Mukherjee ...for the State.

Mr. Sandipan Banerjee
Mr. Sobham Majumder
...for respondent Nos. 9 & 10.

Affidavit of service filed by the petitioner is taken on record.

Instructions submitted on behalf of the State respondents is taken on record.

Heard learned counsels for the parties.

The petitioner complains that the private respondents have raised unauthorised construction by encroaching upon government land adjoining his property, thereby obstructing his egress and ingress completely.

The petitioner submitted a representation in this regard before the concerned authority on 9th January, 2023, which is yet to be considered. The petitioner prays for a direction upon the concerned authority to consider the representation at the earliest.

It is submitted on behalf of the private respondents that the private respondents have raised construction on

their raiyati land and have not encroached upon any portion of the government land.

Placing reliance on the instruction submitted today, learned counsel for the State respondents submits that pursuant to the representation submitted by the petitioner, the Sub-Divisional Officer, Tamluk Irrigation Sub-division, Purba Medinipur, by a letter issued on 19th January, 2023, requested the Block Land and Land Reforms Officer, Mahisadal, Purba Medinipur for demarcation of the government land in dispute.

The Block Land and Land Reforms Officer, in turn, informed the Sub-Divisional Officer by a letter dated 17th February, 2023 that the date for demarcation was fixed on 24th February, 2023. Learned counsel is unable to apprise the Court as to whether such demarcation has been concluded.

In view of the above, this Court is inclined to hold that since steps for demarcation have been taken by the concerned authority pursuant to the representation submitted by the petitioner, the concerned authority, being the 4th respondent herein, be directed to conclude demarcation and submit a report to that effect before the Sub-Divisional Officer, Haldia, being the 3rd respondent herein, within one month from date, if not already submitted.

In the event encroachment upon government land or any portion thereof is detected upon demarcation the 3rd

respondent is directed to initiate proceeding under the Act of 1962 and take the proceeding to its logical conclusion within two months from the date of receipt of the report upon affording reasonable opportunity of hearing to all the interested persons including the petitioner and the private respondents, in accordance with law.

With the above observations and directions this writ petition being WPA 2976 of 2023 is disposed of.

However, there shall be 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 supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)