

24 16.10.2023
Ct. No. 01

WPA(P) 81 of 2022

AN

Avijit Das
Vs.
State of West Bengal & ors.

Mr. Chandan Chakraborty
Ms. Anushikha Bharati
Ms. Pushpita Dewanjee

... for the petitioner

Mr. Abhishek Verma
Mr. Ritobrata Sinha Roy

... for respondent no. 8

1. The grievance of the petitioner is that unauthorised and illegal constructions have been made in water bodies. A report was also called for and accordingly respondent nos. 2 and 3 had filed a report dated 26.09.2022 from which it does not seem that action has been taken under the provisions of West Bengal Land Reforms Act, 1955 and notice under Section 4(C)(5) of the Act dated 05.09.2022 has been issued.

2. Learned counsel appearing for the petitioner would submit that no further action has been initiated pursuant to the notice. Learned counsel representing the State does not have any specific instruction. In the event, action has already been initiated, it goes without saying that the authorities are to proceed and conclude the proceedings initiated by them.

3. Accordingly, we direct respondent nos. 2 and 3 to proceed further pursuant to the notice issued under Section 4(C)(5) of the Act after affording an opportunity of hearing to the noticees, some of whom are the private

respondents in the writ petition, final order be passed on merits and in accordance with law within a period of 8 weeks from the date of receipt of the server copy of this order. In the event, the authorities have to restore the land in original position and the cost of such restoration shall be fully recovered from the noticees/encroachers apart from taking other actions against them in accordance with law.

3. In the result, the writ petition stands disposed of.

(T. S. Sivagnanam)
Chief Justice

(Hiranmay Bhattacharyya, J.)