

WPA 3743 of 2023

Baneswar Ghorai & Ors.
Vs.
The State of W.B. & Ors.

Mr. Anup Dasgupta ...for the petitioners.

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

None appears for the respondents despite service.

Mr. Chandi Charan De, who usually appears for the State and is present in Court, is requested to represent the State in the matter. His appointment be regularized by the office of the learned Legal Remembrancer.

The petitioners should serve copy of the writ petition alongwith all annexures thereto to Mr. De in course of this day.

Heard learned counsels for the parties.

It is submitted on behalf of the petitioners that the petitioners have been using a piece of land located between mouzas Kulapara and Uttar Purushottampur for a considerable period of time and prayed for a direction upon the respondent authorities to survey the said land and include the same in the mouza map by creating a new dag so that the land could be utilized as a government land.

Pursuant to an order passed by this Court in WPA 22736 of 2019 on February 22, 2022, directing the

concerned authority to consider and dispose of the representation submitted by the petitioners in this connection, the concerned authority, being the District Land and Land Reforms Officer, Purba Medinipur, by an order passed on 14th July, 2022, recorded that physical enquiry of the land in question could not be done due to non-cooperation of the encroachers on the said land. In other words, the authority recorded that some portion of the land in question which is supposed to be government land, has been encroached upon.

Learned counsel for the petitioners submits that the private respondents have raised unauthorised construction upon the said land subsequent to the order passed by the District Land and Land Reforms Officer, Purba Medinipur.

The petitioners submitted a representation before the concerned authority on 7th November, 2022 requesting removal of such unauthorised construction, which is yet to be considered. The petitioners pray for direction upon the concerned authority to consider the representation at the earliest.

It is submitted on behalf of the State respondents that the 6th respondent be directed to consider the representation submitted by the petitioners, in accordance with law.

In view of the above, the writ petition is disposed of directing the 6th respondent to consider and dispose of the representation submitted by the petitioners dated 7th

November, 2022 within a period of three months from the date of communication of this order upon granting reasonable opportunity of hearing to all the interested persons including the petitioners and the private respondents, in accordance with law.

With the above observations and directions this writ petition being WPA 3743 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.)