

13
10.05.2023
Ct. No.10
b.das

W.P.A. 3989 of 2023

Amina Bibi
Vs.
State of W. B. & Ors.

Mr. Rudraksha Chattopadhyay ...for the petitioner.

Mr. Ansar Mandal
Ms. S. Bhattacharya ... for the State.

Ms. Anita Kaunda
Ms. Anubrata Dutta
...for the respondent Nos.6 & 7.

Heard learned counsels for the parties.

Pursuant to an application filed by the petitioner under Section 133 of the Code of Criminal Procedure, the Sub-Divisional Executive Magistrate, Krishnagar, by an order passed on 19th March, 2020 in SDEM Case No.400(EM)/2017 recorded that the Block Land and Land Reforms Officer shall demarcate the vested land and take necessary steps for demolition of the illegal construction therein.

The order dated 19th March, 2020 is set out:

“Report vide DR no.1244/2020 of O.C Dhubulia Police Station was received.

In this context BL& LRO Krishnagar II is hereby directed to fix up a date for demotion of illegal construction on vested land as ordered on 11.10.2018 in this case. A copy of order dated 11.10.2018 is enclosed for his ready reference.

BL & LRO shall demarcate the vested land. Man power and necessary police protection shall be provided by O.C Dhubulia P.S for removal of the illegal construction. Any valuable salvage items for

eg. Gl. sheet, timber etc. shall be kept in safe custody of O.C Dhubulia P.S. Any expense in this regard shall be sent to the office of S.D.O Nadia Sadar.

This order shall be complied within 15 (fifteen) days from receipt of this order.”

Strangely, a notice was issued by the Block Land and Land Reforms Officer on 10th April, 2023 indicating that in terms of the order of the Sub-Divisional Officer, Nadia, demarcation work would be held on April 17, 2023 in respect of plot No.2591/5171 which is the petitioner’s plot and not the allegedly encroached Government land. The said notice was stayed by an order passed by this Court on April 17, 2023.

The petitioner prays for implementation of the order passed on 19th March, 2020.

It is submitted on behalf of the respondents that the 3rd respondent be directed to implement the said order, in accordance with law.

In view of the above, the writ petition is disposed of directing the 3rd respondent to comply with the order passed by the Sub-Divisional Executive Magistrate, Krishnagar on 19th March, 2020 within a period of one month from the date of communication of this order, in accordance with law.

The Officer-in-Charge, Dhubulia Police Station, being the 4th respondent herein, is directed to render all possible assistance to the 3rd respondent in complying with/implementing the said order.

With the above observations and directions this writ petition being WPA 3989 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.)