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jdt.

05.09.2023
jb.

W.P.A. 6483 of 2022
Bhakuri Matsyajibi Samabay Samaity Limited & Anr.
vs.
State of West Bengal & Ors.

Mr. Partha Pratim Roy
Mr. Anirban Das
Mrs. Paulami Chakraborty
.... For the Petitioners
Mr. Soumitra Bandyopadhyay
Mr. Subhendu Sengupta
.... For the State

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

None appears for the private respondents despite service.

The petitioner alleges encroachment of Government land by the private respondents.

It appears from the copies of the orders submitted on behalf of the State respondents that during pendency of the writ petition, the Sub-Divisional Magistrate, Berhampore, Murshidabad issued notice upon the private respondents directing them to appear before him in person or through their authorised representatives on 28th July, 2023. Despite service of the notice the private respondents failed and neglected to appear before the authority on the relevant date. By an order passed on 2nd August, 2023, the Sub-Divisional Magistrate, Berhampore Murshidabad directed them to vacate the public land and deliver possession thereof in favour of Murshidabad Zilla Parishad represented by the Secretary, Murshidabad Zilla Parishad within the next 30

days, i.e. within 2nd September, 2023. The order further records that in case the encroachers do not vacate the public land within the stipulated date, their eviction shall be taken up through issuance of appropriate order in terms of Section 5(1) of the West Bengal Public Land (Eviction of Unauthorised Occupants) Act, 1962

In view of the order passed by the Sub-Divisional Magistrate, Berhampore, Murshidabad, nothing further remains to be adjudicated in the writ petition and the same is accordingly disposed of.

The Sub-Divisional Magistrate, being the 4th respondent herein is directed to take necessary steps in terms of the said order, in accordance with law within one month from 2nd September, 2023.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)