

17.04.2023
Item No.7
gd/ssd

WPA(P)/160/2023
DEBESH PANDA AND ORS.
VS
STATE OF WEST BENGAL AND ORS.

Mr. Pritam Choudhury,
Mr. Abhisek Adhya
... for the Petitioners.

Mr. Jahar Lal De,
Mr. Rudranil De
... for the State.

Mr. Tanmoy Mukherjee,
Mr. Souvik Das,
Mr. R.R. Ahmed,
Mr. Rudranil Das
... for the Respondent Nos.11 and 12.

1. By this public interest litigation the petitioners would submit that the private respondents are putting up of a two storied building on the public canal.

2. In this regard, representation has been given and action has been initiated by the District Magistrate, Purba Medinipur and a direction has been issued to the Block Development Officer, Khejuri-II Block on 17th October, 2022 to enquiry into the matter.

3. It is not clear as to why the Block Development Officer, Khejuri-II Block has not taken further action.

4. The learned Government counsel appearing for the official respondents submitted that

enquiry has already been conducted by the Block Development Officer and was prima facie found that there is illegal construction. If that be so, action should be initiated.

5. The learned Government counsel submitted that action has to be initiated under the West Bengal Public Land (Eviction of Unauthorised Occupants) Act, 1962. The learned Government counsel further submitted that action will be initiated under the said Act. If action is to be initiated under the said enactment, then it goes without saying that the procedure under the enactment has to be followed which is bound to take time. Therefore, the private respondents shall not put up any further construction in the property in question.

6. The learned Advocate appearing for the private respondents submitted that no construction is being put by his clients.

7. In any event the authority should ensure that no further construction is put up and action be initiated under 1962 Act within a period of two weeks from the date of receipt of the server copy of this order and the proceedings be concluded within the time fixed under the said Act.

8. Affidavit of service filed in Court is kept on record.

9. With the above direction, the writ petition stands disposed of.

(T. S. SIVAGNANAM)
ACTING CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)