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08.08.2023
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 10977 of 2023

Amarendra Nath Patra
Vs.
The State of West Bengal & Ors.

Mr. Md. Aasif Iqbal,
Mr. Debdip Mondal,
Ms. Ambika Sasmal
...for the petitioner

Mr. Rudranil De
...for the State

Learned counsel appearing for the petitioner contends that despite having been given a representation regarding an encroachment on public property by the respondent nos. 9 to 13, the respondents have not taken any action on the same.

Learned counsel appearing for the State submits that the concerned authorities are the respondent nos. 2 and 3.

Despite substantial service having been effected, only the State is represented through counsel. Although proper service has not been effected on the Sundarban Police District Lot No. 8, the respondent no. 6, since the said respondent is not one of the contesting parties in effect, further

direction of service is not given on the said respondent.

In view of the allegations made in the writ petition, W.P.A. No. 10977 of 2023 is disposed of by directing the respondent nos. 2 and 3 to decide on the representation dated April 03, 2023, given by the petitioner to the said respondents, as annexed at page 14 (annexure-P/1) of the writ petition, within four weeks from date. If necessary, a report shall be called for, while enquiring on the complaint of the petitioner by the said respondents, from the concerned Block Land & Land Reforms Officer or any other appropriate authority.

The respondent nos. 2 and 3, while deciding the complaint of the petitioner, may give an opportunity of hearing to the petitioner and all other concerned, if they deem fit.

Upon conclusion of the enquiry within four weeks from date, the respondent nos. 2 and 3 shall take a reasoned decision on the same and communicate the same to the petitioner.

In the event the respondent nos. 2 and 3 are of the view, upon such enquiry, that an encroachment of public property has been made from any quarter, the said respondents shall initiate appropriate proceedings before the competent forum in that

regard at the earliest thereafter and ensure early disposal of the same.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)