

17.05.2023
Sl. No.27(DL)
srm

W.P.A. No. 11795 of 2023
Amit Chatterjee & Ors.
Versus
State of West Bengal & Ors.

Mr. Kartick Bhattacharyya,
Mr. Subhas Chandra Dutta
....for the Petitioners.

Mr. Raja Saha,
Mr. S.P. Lahiri
...for the State-respondents.

Affidavit-of-service is taken on record.

The petitioners are aggrieved by the proceeding initiated under Section 3(1) of the West Bengal Public Land (Eviction of Unauthorised Occupants) Act, 1962 (hereinafter referred as the said Act) and also the order of eviction passed under Section 4(1) of the said Act. The petitioners have been directed to remove the unauthorised encroachment over the land, pursuant to the proceedings which were initiated.

The petitioners contend that the order and the notice do not specify the plot number and as such the order is defective.

Mr. Lahiri, learned Advocate for the State-respondents submits that when the proceedings were

initiated under the relevant statute, a notice was given to the petitioners to appear for a hearing and submit a show cause. The petitioners answered to the said notice. It is also submitted that the orders and the notices clearly indicate that the encroachment of the land was in front of the office of the Assistant Director of Agriculture, Krishnaganj Block, Office of the SRF Farm, Kishan Mandi and approach road of Shibnibash Bridge. According to Mr. Lahiri, specification of the area over which the encroachments had been found had been clearly mentioned. It was found that 24 persons had unauthorisedly encroached land. These persons failed to produce any documents in support of their constructions and as such they were asked to clear out the place in the terms of Section 4(1) of the said Act. Section 5 of the said Act empowers the Collector to enforce delivery of possession of the said lands, after evicting the said persons. It also appears that Section 7 of the said Act provides for a statutory appeal against any order passed under the said Act.

Hence, the writ petition is disposed of granting liberty to the petitioners to approach the appellate authority, in accordance with law. The petitioners shall file individual appeals in terms of Section 7 of the said Act. If such appeals are filed, the delay shall be condoned by

invocation of Section 14 of the Limitation Act and the appeals shall be disposed of on merits upon granting opportunity of hearing to the petitioners.

A reasoned order shall be passed and such decision shall be communicated to each of the petitioners.

The police report is taken on record.

The writ petition is, thus, disposed of.

There shall be no order as to costs.

Parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)