

20.09.2023
rc/ct.no.10
Item No.25

WPA No. 12991 of 2023
Bijan Barman
Versus
The State of West Bengal & Ors.

Mr. Dilip Kumar Sinha ...for the petitioner

Mr. Ashim Kumar Ganguly ...for the State

Mr. Arun Kumar Das
 ...for the Respondent Nos. 6, 7 & 8

Supplementary affidavit submitted on behalf of the petitioner and report in the form of affidavit submitted on behalf of the State respondents are taken on record.

Heard learned counsels for the parties.

The petitioner claims to be recorded owner of the plot no. 152 under Mouza-Payrachak, J.L.No.234, District – Purba Medinipur and complains that the private respondents have raised unauthorised construction by encroaching upon a portion of the Government land adjoining his property, thereby obstructing his ingress and egress. The petitioner has submitted a representation before the concerned authority on January 10, 2023 which is yet to be considered. The petitioner prays for a direction upon the concerned authority to consider the representation at the earliest.

Learned counsel for the private respondents submits that the private respondents have acquired title in respect of a portion of plot no. 152.

Placing reliance on the report in the form of affidavit submitted on behalf of the 3rd respondent, learned counsel

for the State respondents submits that the petitioner is the recorded raiyat of the plot in question which is classified as 'Jal' but the petitioner has been using the same as 'Kala' without obtaining any prior permission for conversion of the land under Section 4C of the West Bengal Land Reforms Act, 1955. However, the State respondents admit that the private respondents have been illegally occupying the Government land in L.R.Plot No. 676 by building pakka structure thereon.

In view of the above, since encroachment upon the Government land by the private respondents has been ascertained by the State respondents, the writ petition is disposed of directing the 3rd respondent to consider and dispose of the representation submitted by the petitioner on January 10, 2023 within a period of three months from the date of communication of this order, after giving reasonable opportunity of hearing to all the interested persons including the petitioner and the private respondents, in accordance with law.

Before parting with the record, this Court finds it is necessary to hold that the allegation made by the State respondents against the petitioner not being the subject-matter of the present writ petition, the State respondents shall be at liberty to take necessary steps in this regard, in accordance with law.

With the above observation and direction this writ petition is disposed of.

There shall be, however, 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 furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh,J)