

WPA 13953 of 2023

Anjan Chakraborty
Vs.
The State of West Bengal & ors.

Adv. Partha Pratim Roy,
Adv. Anirban Das,
...for the petitioner.
Adv. Sulagna Bhattacharya,
Adv. Rinku Sen,
...for the State.

On prayer of the petitioner, liberty is granted to implead the Sub-Divisional Officer, Krishnanagar Sadar, District Nadia, as respondent no.14 in the writ petition.

The cause title of the writ petition be amended accordingly.

Affidavit of service filed by the petitioner is taken on record.

It appears that the private respondents have refused to accept the notice sent to them. Such refusal amounts to 'good service'.

The petitioner complains that the private respondents have encroached upon the Government land by raising unauthorised construction therein. The petitioner submitted a representation before the concerned authority on 13th January, 2022 and prays for a direction upon the authority to consider the same at the earliest.

It is submitted on behalf of the State respondents that pursuant to the representation submitted by the petitioner, an enquiry was directed to be held and the

Block Land & Land Reforms Officer, Krishnanagar, Nadia, by a letter issued to the Additional District Magistrate and District Land & Land Reforms Officer, Nadia on 23rd June, 2023 informed that the plot in question was illegally occupied by the private respondents and no *patta* or long term lease was granted in their favour by the Government. The Block Land & Land Reforms Officer suggested that the Government land may be made encroachment free by invoking the provisions under the West Bengal Public Land (Eviction of Unauthorised Occupants) Act, 1962.

Upon consideration of the submission made on behalf of the parties and the material on record, this Court is inclined to hold that since step has been taken by the authority in terms of the representation submitted by the petitioner and it has been found that the Government land has been illegally encroached upon by the private respondents, the concerned authority, being the 14th respondent herein, be directed to initiate appropriate proceeding under the Act of 1962 and take the proceeding to its logical conclusion within two months from the date of communication of this order upon affording reasonable opportunity of hearing to all concerned including the petitioner and the private respondents, in accordance with law.

With the aforesaid directions, the writ petition, being WPA 13953 of 2023 is disposed of.

There shall however, be 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 on usual undertakings.

(Suvra Ghosh, J.)