

18.05.2023
Sl. No.8(DL)
srm

W.P.A. No. 19606 of 2022
Bibhuti Bhusan @ Bibhuti Nath
Versus
The State of West Bengal & Ors.

Mr. Narayan Debnath,
Ms. Bishlaxmi Ghosh,
Mr. Saswata Chatterjee,
Ms. Tanima Debnath

....for the Petitioner.

Mr. Susovan Sengupta,
Mr. Santanu Panja

...for the State-respondents.

Mr. Samiran Mandal,
Mr. Nitish Samanta

...for the Respondent Nos.3 & 4.

The Block Development Officer, Balagarh, Hooghly, has filed a report as per the direction of the Court. It appears from the report that the petitioner's shop, namely, 'Beauty Shoe' was far away from Plot No.608 of mouza Jirat. Plot No.608 was an undivided low land without any physical demarcation. Two decimals of the said land was owned by the Refugee, Relief and Rehabilitation Department, Government of West Bengal. Record of rights have been produced in support of such contention. Moreover, the petitioner did not start any construction either on the said plot or behind the newly constructed

toilet and garbage vat. There was already an old toilet and garbage vat, which was repaired and re-constructed by the panchayat samiti. There is also a high drain for outlet of foul water from the said low land. The petitioner was called by the Block Development Officer for a hearing, but the petitioner did not attend. The house of the petitioner was also situated far away from the area where the toilet has been constructed. The toilet had been constructed on the land belonging to the Refugee, Relief and Rehabilitation Department, Government of West Bengal, as per report.

Thus, the allegation of the petitioner was found to be incorrect. However, if the petitioner is successful in any civil suit and his right, title and interest is declared over the portion where such urinal and vat has been constructed, the law will take its own course. As of now, without demarcation of the area of the petitioner and the area of the Refugee, Relief and Rehabilitation Department, Government of West Bengal, no further directions can be issued by the writ court.

The writ petition is, thus, disposed of.

There shall be no order as to costs.

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

(Shampa Sarkar, J.)