

28.08.2023  
Item No.13  
gd/ssd

WPA(P)/452/2023  
ARUN DAS AND ANR.  
VS  
STATE OF WEST BENGAL AND ORS.

Mr. Debasis Sur,  
Mr. Hare Krishna Halder,  
Mr. Anujit Maity  
..for the Petitioners.

Mr. K.J. Yusuf,  
Ms. Rupsha Chakraborty  
..for the State.

1. By this public interest litigation the petitioners alleges that the Block Development Officer, Kalyani Development Block, Nadia is attempting to evict the petitioners from their occupation.

2. It is submitted that the request made by the residents of the area for grant of Patta is under the active consideration of the authorities and in the meantime, if they are evicted, the 46 families will be put to irreparable hardship.

3. The learned Government counsel has produced the written instruction given by the Inspector in-Charge of Kalyani Police Station dated 28.08.2023 wherein it has been specifically stated that the Block Development Officer did not go to the said area as alleged by the writ petitioners. Further, it is submitted by the learned Government counsel that the land in

question has not been approved by the government as a colony for residential purposes.

4. In the light of the fact that the Block Development Officer has gone to the premises in question with a view to evict the person alleged to reside that has been found to be factually incorrect, the question of any direction in this writ petition would not arise. Apart from that, the court in a writ petition cannot issue any direction to the authorities for grant of Patta and it is for the petitioners and others who are as on date encroaches of government property to move the appropriate authority for redressal of their grievance.

5. With the above observations, the writ petition stands disposed of.

**(T. S. SIVAGNANAM)**  
**CHIEF JUSTICE**

**(HIRANMAY BHATTACHARYYA, J.)**