

12th December,
2023
(AK)
11

W.P.A. 21483 of 2022
IA No: CAN 1 of 2023

Rabin Parui
Vs.
The State of West Bengal and others

Mr. Mridul Kanti Sasmal
...for the petitioner.

1. None appears for the respondents at the time of call despite service.
2. Affidavit-of-service filed in court today be kept on record.
3. Although the private respondents have refused to accept service, it is deemed that such refusal tantamounts to good service. The matter is taken up for hearing.
4. The limited grievance of the petitioner is that the private respondents have been encroaching on Government property for which the petitioner complained before the respondent authorities, but to no effect.
5. Although it has been intimated by the respondents to the petitioner that demarcation programme is going on, the same apparently has not yet been fruitful insofar as no proceedings have been taken out against the private respondents.

6. In view of the innocuous nature of the prayer, no further service is being directed.
7. WPA 21483 of 2022 is disposed of by directing the respondent no.2 to ascertain, if necessary by calling for a report from respondent no.4, that is, the Block Development Officer, Shyampur-I, as to whether any encroachment has been made on Government property by the private respondents.
8. Such exercise shall be completed at the earliest, positively by January 10, 2024.
9. Immediately thereafter, in the event it is found that there has been any encroachment, the respondent authorities shall initiate proceedings for eviction of the illegal encroachers and removal of encroachment under the appropriate provision of law.
10. It is expected that such proceedings shall be initiated within a fortnight thereafter.
11. The parties shall act on the written communication of the learned Advocate for the petitioner, coupled with server copy of this order, for the purpose of compliance with the above directions, without insisting upon prior production of a certified copy.
12. The learned Advocate for the petitioner shall communicate this order to the concerned respondent/authorities within a week from date.
13. CAN 1 of 2023 is accordingly disposed of as well.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)