

WPA 22593 of 2022

Sukumar Das & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Bharat Chandra Simai ...for the petitioners.

Mr. Chandi Charan De
Ms. R. Rahaman ...for the State.

Mr. Ashim Kr. Routh
Ms. A. Mandal ...for the private respondents.

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

Heard learned counsels for the parties.

The petitioners have prayed for a writ in the nature of mandamus directing the respondents to take steps for removal of unauthorised encroachment from the land of the Public Works Department being plot nos.38 and 318, J.L. No.101, Khatian No.436, Mouza-Saheb Khan Keranibarh, situated in front of the petitioners' raiyati land.

In an earlier writ petition being WPA 3998 of 2021, this Court by an order passed on 13th September, 2021 dealt with the alleged encroachment in Dag No.38 and directed the concerned authority to complete the proceeding for removal of the alleged encroachment within a stipulated time frame. There was a restraining order

upon all concerned from raising any construction over the disputed pond in the said plot.

In compliance with the said order, the Sub-Divisional Officer, Contai passed an order under Section 10(3) of the West Bengal Highways Act, 1964, which was carried in appeal under Section 10(4) of the Act of 1964 before the District Magistrate, Purba Medinipur.

By an order passed on 22nd February, 2022, the District Magistrate upheld the order under Section 10(3) of the Act of 1964 and directed the Sub-Divisional Officer, Contai to take all necessary measures for removal of all the encroachment made by all the encroachers on the suit Government land under the provisions of the Act of 1964.

Therefore it can be concluded that the encroachment upon plot no.38 has already been dealt with by the concerned authority pursuant to the order passed in the earlier writ petition.

With regard to the alleged encroachment upon plot no.318 by the private respondents, the petitioners seek to submit a representation before the concerned authority, being the 4th respondent herein, and prays for a direction upon the authority to consider the representation at the earliest.

Upon consideration of the submission made on behalf of the parties, the writ petition is disposed of with liberty to the petitioners to submit a comprehensive representation before the 4th respondent within 15 days

from date. The 4th respondent is directed to consider and dispose of the representation within a period of three months from the date of receipt thereof after granting reasonable opportunity of hearing to all the interested persons including the petitioners and the private respondents, in accordance with law.

With the above observations and directions this writ petition being WPA 22593 of 2022 is disposed of.

However, there shall 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 supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)