

11.12.2023
rc/ct.no.10
Item No.527

WPA No. 22955 of 2023
Sukuruddin Dafadar
Versus
The State of West Bengal & Ors.

Mr. Timir Baran Saha ...for the petitioner

Mr. Pritam Choudhury
Mr. Sabyasachi Bhattacharjee for the State

Affidavit of service filed in Court is taken on record.

None appears for the private respondents despite service.

Pursuant to an order passed by this Court in an earlier writ petition the Sub-Divisional Magistrate, Tehatta, Nadia, by an order passed on September 18, 2019, recorded that encroachment upon public land was made by the private respondent herein. The Sub-Divisional Magistrate directed the encroachers to remove such encroachment and vacate the land in question within 15 days from the date of communication of the order. The encroachment was not removed by the private respondent nor any further steps taken by the respondent authorities in this regard. The petitioner submitted representations before the Sub-Divisional Officer, Tehatta, Nadia on February 27, 2023 and March 23, 2023 respectively requesting implementation of the order pursuant to which the Sub-Divisional Officer, Tehatta, Nadia by a letter issued on May 31, 2023 to the Inspector-in-Charge,

Karimpur Police Station, Nadia requested necessary action. No further steps have been taken.

Upon consideration of the submission made on behalf of the parties this Court is inclined to hold that since encroachment upon Government land by the private respondent has been detected by the Sub-Divisional Magistrate and an order passed to that effect on September 18, 2019 the Sub-Divisional Officer being the 3rd respondent herein, be directed to implement the said order in its true letter and spirit within two weeks from the date of communication of this order.

With the above observations and directions this writ petition 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 upon compliance of necessary formalities.

(Suvra Ghosh,J)