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jdt.

21.12.2023

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W.P.A. 23555 of 2023
(Anjusree Saha vs. State of West Bengal & Ors.)

Mr. Timir Baran Saha
... For the Petitioner

Mr. Ayan Banerjee
Ms. Kalpita Paul
... For the State
Ms. Debjani Roychowdhury
Mr. Asraf Mondal
... For the Respondent Nos. 7,8 and 9

Affidavit of service filed on behalf of the petitioner is taken on record.

None appears for the respondent Nos. 10 and 11 despite service.

Heard learned counsels for the parties.

The petitioner alleges encroachment upon the Government land. Learned counsel for the petitioner takes this Court to a communication dated 3rd August, 2023 made by the Assistant Engineer, Plassey Highway Sub Division, P.W. (Roads) Directorate to the Sub-Divisional Officer, Tehetta which demonstrates that the plots in question are recorded in favour of the Collector, Nadia.

It is not clear as to whether proceeding under the West Bengal Public Land (Eviction of Unauthorised Occupants) Act, 1962 has been initiated by the authority pursuant to such demarcation.

In view of the above, this Court is inclined to hold that since the plots in question appear to be Government land and the writ petitioner alleges encroachment of the same by the private respondents by raising unauthorised construction therein, the concerned authority being the 3rd respondent herein, be directed to initiate proceedings under the Act of 1962 and take the proceeding to its logical conclusion within two months from the date of communication of this order upon affording reasonable opportunity of hearing to all the interested persons including the petitioner and the private respondents, in accordance with law.

The writ petition is thus disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)