

10.10.2023
Item No.3
gd/ssd

WPA(P)/537/2023

ASHUTOSH PATHAK
VS
STATE OF WEST BENGAL AND ORS.

Mr. Debasis Sur,
Mr. Goutam Sardar,
Mr. Goutam Malik,
Mr. Manabendra Bandyopadhyay,
Ms. Sarama Maity,
Mr. Anujit Maity,
Mr. Hare Krishna Halder,
Mr. Saurav Mitra,
Mr. Raj Sharma,
Mr. Bijoy Bag,
Mr. Sagar Saha
..for the Petitioner.

Mr. Samrat Sen,
Mr. Saikat Chatterjee
..for the State.

Mr. Nilotpall Chatterjee
..for the Respondent No.2.

1. By way of public interest litigation this is a second attempt made by the petitioner alleging that certain miscreants have put up construction on a land which is belonging to the Irrigation Department.

2. In the earlier writ petition in WPA(P) 39 of 2022 similar prayer was made and a direction was issued on February 8, 2022 to dispose of the representation given by the writ petitioner alleging that the order has not been complied with, contempt

petition in CPAN 976 of 2022 was filed and the said contempt petition was withdrawn.

3. The learned advocate appearing for the respondent no.2 would submit that the reason for withdrawal of the contempt application was on account of a report filed in the form of affidavit which was a compliance report filed by the department before the Division Bench.

4. From paragraph 4 of the said affidavit we find that an enquiry was conducted by the Block Land and Land Reforms Officer, Baruipur, South 24-Parganas which revealed that the alleged encroachment does not fall on LR Plot No.70, 71 or 72. The further enquiry revealed that the construction put up by a political party is situated at Plot No.83, J.L. No.39 of Mouza-Purandarpur, which is a private land.

5. In terms of the directions issued on the earlier writ petition, an order was passed on 31st May, 2023 which has been made known to the writ petitioner.

6. The writ petitioner has not challenged the said order nor the writ petitioner has taken any steps to ascertain the correct classification of the land and what the writ petitioner now seeks to do is to compel this court to make robbing enquiry, which is impermissible.

7. Thus, for the above reasons, we find no ground to entertain this writ petition and the same is dismissed.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)