

11.12.2023
Item No.11
gd/ssd

WPA(P)/551/2023
BIDYUT SARKAR
VS
STATE OF WEST BENGAL AND ORS.

Mr. Madhu Jana,
Mr. Rahul Agarwala
..for the Petitioner.

Mr. Deb Narayan Banerjee,
Md. Ahsanuzzaman
..for the State.

1. By this public interest litigation the petitioner contends that the private respondents, namely, respondent nos.7 and 8 have illegally put up construction in the land belonging to the Irrigation and Waterways Directorate.

2. In this regard, representations were submitted but since no action had been taken on those representations, the petitioner has filed this public interest litigation.

3. The learned Government counsel appearing for the respondents has produced written instruction given by the Block Development Officer, Burdwan-II Development Block, Purba Bardhaman dated 17.11.2023 in which it has been stated that the Block Development Officer, Burdwan-II Development Block and Ex Officio Executive Officer of Burdwan-II PS has not given any building permission to the respondent nos.7 and 8 as per the record. Further, it is stated that since there is no mention of the plot number, it is

difficult to identify the site as well as persons who have given the requisite permission. However, the parcel of the land mentioned is not related to their office rather it belongs to the Irrigation Department of Government of West Bengal. The Executive Engineer-I, Damodar Canal Division, Purba Bardhaman has also given written instruction dated 23.11.2023 to the learned State Advocate in which it has been stated that after complaint was received from the petitioner, the authorities visited the site and they have also lodged an FIR against the respondent nos.7 and 8. The Officer-in-Charge, Burdwan Police Station had sent a communication dated 28.6.2022 stating that many people constructed their dwelling house by encroaching the land of Irrigation and Waterways Directorate from ch. 30.00 to ch. 52.00 and also at many spots on both the banks of the canal in a scattered manner and have been living for a long time. However, removal of encroachment is still pending. Thus, it is seen that the problem highlighted by the petitioner does not concern the respondent nos.7 and 8 alone but there appears to be several persons who have encroached into the land belonging to the Irrigation and Waterways Directorate.

4. In the light of the above, there will be a direction to the Executive Engineer-I, Damodar Canal Division, Court Compound, Purba Bardhaman to cause an inspection of the entire area and ascertain as to the

number of encroachments in the land belonging to the Irrigation and Waterways Directorate and issue notices to all those encroachers and after affording reasonable opportunity to them, initiate appropriate action for removal of encroachment. Since it is stated that there are several people who are living there quite for a long time, there is every livelihood of the law and order problem and, therefore, the Executive Engineer-I, Damodar Canal Division, Court Compound, Purba Bardhaman is directed to address the Superintendent of Police, Purba Bardhaman for appropriate police protection so that the entire process shall be conducted incident free.

5. The above direction be complied with as expeditiously as possible.

6. Since the Executive Engineer-I, Damodar Canal Division, Court Compound, Purba Bardhaman is not a party to the writ petition, we suo motu implead the said authority as the 9th respondent in the writ petition and the learned advocate for the petitioner shall make necessary correction in the cause-title.

7. Accordingly, the writ petition stands disposed of.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)