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04.07.2023
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 25262 of 2022

Aparna Das
Vs.
The State of West Bengal & Ors.

Mr. G.K. Das,
Mr. Kapil Chandra Sahoo,
Ms. Swati Mondal,
Mr. K. Das
...for the petitioner

Mr. Debasis Sur,
Mr. Angsuman Patra,
Mr. Hare Krishna Halder
...for the private respondents

Affidavit-of-service filed in Court today be kept on record.

None appears for the State.

The petitioner has raised the issue that the private respondents have allegedly made a construction on a public land, thereby obstructing the drainage system in the area and the ingress and egress of the petitioner to her premises.

Despite representations, it is alleged that no action has been taken by the respondent no. 2 and 3.

Learned counsel appearing for the private respondents denies such allegations and submits that the construction has been made in due process of law. However, at this juncture, it would be premature to

enter into the merits of the allegations made by the parties, since a consideration of the allegations made by the petitioner in her representation and a due enquiry in that regard would suffice.

Accordingly, W.P.A. No. 25262 of 2022 is disposed of by directing the respondent no. 2 to decide the representation, annexed to the present writ petition, given by the petitioner on the allegation that the private respondents have made unauthorized constructions on public land and, upon holding due enquiry by giving opportunity of hearing to the disputing parties, to arrive at a conclusive finding in that regard.

In the event the respondent no. 2 is of the opinion that a report is to be sought from the concerned Block Land and Land Reforms Officer, the same shall be called for by the respondent no. 2.

It is expected that the said exercise of completing the enquiry shall be done within one month from the date of communication of this order to the respondent. No. 2.

If, upon such enquiry, it is revealed to the respondent no. 2, that is, the District Magistrate and Collector, Purba Medinipur that there is any violation of the Public Land (Eviction of Unauthorized Occupants) Act, 1962, due process of law shall be followed by the respondent no. 2 and eviction

proceedings shall be initiated in that regard expeditiously.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)