

January 3, 2023
AD 10
Court No.1
SG

WPA(P) 629 of 2022

Jaharlal Hazra and others
vs
The State of West Bengal and others

Mr. Saibal Acharyya,
Mr. Pradip Paul, Advocates
.....for the petitioners

Mr. Jahar Lal De,
Mr. Supratim Dhar, Advocates
.....for the State

Mr. Gourab Ghosh, Advocate
.....for the respondent No.7

Mr. Pulak Ranjan Mandal,
Ms. Bandana Mandal, Advocates
.....for the respondent Nos.9 & 10

In this public interest petition, the grievance of the petitioners is that private respondent Nos.9 and 10 have encroached upon the government land and have made permanent construction.

Learned counsel for petitioners has pointed out that within the limits of Daspur Police Station, Gochhait Gram Panchayat, Daspur, the private respondents have constructed dwelling house illegally without approval on the acquired land, therefore the pradhan of concerned gram panchayat had sent the communication dated 10.11.2022 to the Block Divisional Officer, Daspur for appropriate action but no action has been taken.

Learned counsel for the State has pointed out that illegal construction is required to be ascertained by the pradhan of the concerned gram panchayat and the demolition activity is to be done by the concerned SDO.

Learned counsel for private respondents has submitted that the private respondents have raised only temporary construction on government land and the said construction is not permanent construction.

In the circumstances of the case, we are of the opinion that first of all extent of illegal construction is required to be ascertained by respondent No.7 i.e. Pradhan of Gochhait Gram Panchayat and thereafter appropriate action for its removal is to be taken.

Hence, we dispose of the present petition by directing respondent No.7 to ascertain the extent of encroachment on government land and illegal construction by private respondent Nos.9 and 10 after giving an opportunity of hearing to them and any other interested party. Respondent No.7 will take a decision in accordance with law and will send his decision about extent of illegal construction to respondent No.3 i.e. Sub-Divisional Officer, Ghatal Sub Division. On receipt of the same, respondent No.3 will take appropriate steps to ensure that the illegal construction on government land is demolished without any further delay.

Let this exercise be completed within a period of 3 months from the date of receipt of a copy of this order.

[Prakash Shrivastava, C.J.]

[Rajarshi Bharadwaj, J.]