

ML 137
31.08.2023
Ct. No. 15
adeb

W.P.A. 29803 of 2017

**Shila Rani Jana & Ors.
Vs.
The State of West Bengal & Ors.**

Mr. Pijush Chaturvedi
Mr. Arijit Pradhan
....for the petitioners

Mr. S.M. Hassan
Ms. Anupama Yasmin
...for the Haldia Municipality

Petitioners complain of illegal construction and encroachment of their land before the concerned authority of Haldia Municipality vide letter dated 27th November, 2017.

Mr. Pijush Chaturvedi, learned counsel representing the petitioners submits that petitioners having title over the land in question where it has been alleged that the private respondents have made illegal construction on encroachment. It is also submitted that the Haldia Municipality has also encroached the land of the petitioners. In view of nature of allegation contained in the letter dated 27th November, 2017 which is at page 33 of the writ petition this Court finds that no useful purpose would be subserved in keeping the writ petition pending and accordingly the concerned authority of Haldia Municipality is directed to initiate proceeding under Section 218 of the West Bengal Municipal Act, 1993 within a period of 2 (two) weeks from the date of

communication of this order. The concerned authority of Haldia Municipality is directed to conclude such proceeding within 16 (sixteen) weeks thereafter after granting opportunity of hearing of the petitioners and private respondents.

However, it has been made clear that decision to be taken by the concerned authority of municipality provided the petitioners are able to prove their title over the land in question. If it is found that petitioners are the owners of the land in question the decision to be taken in the aforesaid proceeding shall be communicated to the parties within 2 (two) weeks thereafter.

With the aforesaid directions the writ petition stands disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)