

08.02.2024  
Item No.19  
RP  
Ct. No.1

**WPA(P) 18 of 2024**

**Pranabesh Sarkar**  
**Vs.**  
**The State of West Bengal & Ors.**

Ms. Anita Shaw  
.....for the Petitioner  
Sk. Md. Galib  
Mr. Safik Dewan  
..... for the State  
Mr. Indrajit Bhattacharjee  
..... for the respondent no.9  
Mr. Lalratan Mandal  
Mr. Dilip Kumar Sadhu  
..... for the respondent nos.10, 11  
Mr. Jahanta Narayan Mahanty  
Ms. Pratrity Das  
..... for Maheshtala Municipality

1. By way of filing this writ petition the petitioner seeks for action being initiated against certain illegal construction and for a direction to demolish the same, which is alleged to have been put up by the respondent nos.9 to 11.
2. The learned advocate appearing for the ninth respondent submits that identical prayer was sought for in another public interest litigation filed by one Sk. Niyajul Hoque in WPA(P) 538 of 2022, which was disposed of by order dated 15<sup>th</sup> November, 2022 to consider the representation given by the petitioner therein dated 4<sup>th</sup> September, 2022 and ascertain the true position of the land in question and take appropriate

decision in accordance with law after giving an opportunity of hearing to all the concerned parties as expeditiously as possible preferably within a period of three months from the date of receipt of a copy of the order. Pursuant to such direction the District Magistrate has taken up the matter and passed an order on 3<sup>rd</sup> March, 2023 after having received a report from the Sub-Divisional Officer, Subarban Drainage Division-I, Irrigation and Waterways Directorate. The order reads as follows.

“Report received from Sub Divisional Officer, Subarban Drainage Division-I, Irrigation and Waterways Directorate.

Perused the documents submitted by Jahangir Molla. Submissions made by municipality are also considered.

Report submitted by Special LAO states that the suit plot had been affected by LA case no.LA II/39 of 1980-81 for excavation of gutter channel for drainage of Makalhat Panchur, possession had been handed over to requiring body. Later notice under section 4(1a) of West Bengal Land (Requisition and Acquisition) Act, 1948 had been issued and estimate been prepared but no fund had been placed by the requiring body i.e. Irrigation and Waterways Department. The acquisition case was not completed within 31.03.1997 and thus acquisition case has lapsed as per provisions of the act.

Report submitted by Sub-Divisional Officer, Subarban Drainage Division-I is also considered.

It has been stated in the report that the suit plot has not been acquired by Irrigation and Waterways Department.

Considering the above it is thus clear that the acquisition proceedings had been started for the suit plot however the plot was not finally acquired as the acquisition proceedings were not concluded. Thus the conclusion being done by respondent Jahangir Molla is not on the acquired land.

Thus the representation of the petitioner dated 04.09.2022 is thus considered and rejected. The solemn order of the court is hereby complied with.

Let a copy of this order be sent to all concerned.

District Magistrate  
South 24 Parganas ”

3. In the light of the above decision taken by the District Magistrate no separate orders are required to be passed in this public interest litigation and the same is disposed of by leaving it to the petitioner to work out his remedy.
4. With the aforesaid observation, this writ petition is disposed of.

**(T. S. SIVAGNANAM)**  
**CHIEF JUSTICE**

**(SUPRATIM BHATTACHARYA, J.)**