

02.05.2024
Item No.16
KS/Sayandeep
Ct. No.1

W.P.A (P) 17 of 2024
Gopal Barman
Versus
The State of West Bengal & Ors.

Mr. Sandip Ghosh
Mr. Julfikar Ali Mallick
Mrs. Moumita Ghosh

.....for the Petitioner

Ms. Jyotsna Ray Mukherjee,
Ms. Srijani Mukherjee

.....for the State

1. The petitioner seeks for declaring a piece of land as crematorium and to prevent any construction being put up on a said land.
2. From the classification of the land in the revenue records it is seen that as on date, classification is Nayanjuli (drain) and it is under the control of Irrigational Waterways Department. There was a resolution passed on 17.07.1982 requesting that extent of 10 decimals of the land in the very same plot be recorded as a crematorium for Hindus. This resolution was made in the presence of the 6th respondent viz., the Sub-Divisional Officer, Tamluk. Thereafter, representations have been made to the authorities and it appears that the Pradhan of the Panchayat and the other members decided to inspect the land and the petitioner reliably understand that a survey was also

conducted on 06.01.2020, but, till date, the resolution has not been implemented and the illegal construction were also being made.

3. Considering these facts, it would suffice to direct the petitioner to personally appear in the office of the Sub-Divisional Officer, Tamluk and submit a copy of the said representation given on 12.12.2023 along with the copy of this order so as to enable the said authority to take appropriate action on the said representation.
4. On receipt of the representation, the Sub-Divisional Officer shall conduct an enquiry after notice to all concerned and take appropriate decision on merits and in accordance with law within a period of twelve weeks from the date on which the representation is submitted.
5. With the aforesaid observations/directions, the writ petition stands disposed of.
6. No costs.
7. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T.S SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)