

Item No.12

09.05.2024
Ct-24

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 1243 of 2024
Md. Allarekha Mandal & Anr.
v.
The State of West Bengal & Ors.

Mr. Ayan Boral
Mr. Amanul Islam
Mr. Sourav Mukherjee
... for the petitioners.

Md. Sarwar Jahan
Mr. Mobaidur Hossain
... for the respondent no. 10 & 11.

Mr. Anand Farmania
Mr. Saikat Sen
... for the State.

The petitioner challenges the notice for removing encroachment from Plot No. 5385 belonging to the Murshidabad Zilla Parishad/Nowda Panchayat Samity Road.

The petitioner relies upon the trade licence to show that they are conducting business from Dag No. 2065 of Mouza-Sonatikuri and Dag No. 9326, Mouza-Raipur. None of the documents annexed by the petitioner relate to Plot No. 5385.

Learned advocate representing the Block Development Officer has relied upon the communication made by the BL & LRO, Nowda, Murshidabad dated May 3, 2024 which mentions that three shops one by Ruhul Mondal, second by Abbas Mondal and the third by Allarekha Mondal exists encroaching the Government

land being L.R. Plot No. 5385 under Bundainagar Mouza which is recorded in favour of the Collector, Government of West Bengal under L.R. Khatian No. 1 and classification of the plot is Dahar.

As it appears that Government land has been encroached upon by private parties, accordingly, it will be open for the respondent authorities to take steps for removal of the unauthorized encroachers from the plot of land which is vested in favour of the Collector.

The Block Development Officer is directed to proceed with the act of removal of the unauthorized encroachers in terms of the order dated October 4, 2023 passed by the Court in WPA 18601 of 2023 (Abbas Mondal @ Tanesur Mondal & Anr. v. The State of West Bengal & Ors.).

There is not inclined to exercise jurisdiction in the instant writ petition.

The writ petition fails and is hereby dismissed.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

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(Amrita Sinha, J.)