

28.03.2024
rc/ct.no.10
Item No.14

WPA No. 4212 of 2021
Ulka Rani Kar
Versus
The State of West Bengal & Ors.

Mr. Pankan Halder
Mr. Bidish Ghosh
Mr. Neelabha Bera ...for the petitioner

Mr. Soumitra Bandyopadhyay
Mr. Srikanta Paul
Ms. Ankita Chowdhury ...for the State

Affidavit of service filed in Court today is taken on record.

None appears for the private respondents despite service.

The petitioner claims to be recorded owner of the plot in question and submits that the private respondent has raised unauthorised construction by encroaching upon a portion of the Government land adjoining her property, thereby obstructing her ingress and egress. The petitioner submitted a representation before the concerned authority in this regard on February 02, 2021 pursuant to which demarcation of the plot in dispute has been made by the Block Land and Land Reforms Officer, Uluberia –I. The petitioner prays for a direction upon concerned authority to consider the representation and initiate proceedings under the West Bengal Public Land

(Eviction of Unauthorised Occupants) Act, 1962 (hereinafter referred to as "the Act of 1962").

It is submitted on behalf of the State respondents that the 3rd respondent be directed to consider the representation in accordance with law.

In view of the above, the writ petition is disposed of directing the 3rd respondent to consider and dispose of the representation submitted by the petitioner on February 02, 2021 within a period of two months from the date of communication of this order, after giving reasonable opportunity of hearing to all the interested persons including the petitioner and the private respondent, in accordance with law.

Since demarcation of the plot in dispute has been held, in the event encroachment upon the Government land or any portion thereof is found, the 3rd respondent be directed to initiate proceedings under the Act of 1962 and take the proceedings to its logical conclusion within two months from the date of communication of this order, in accordance with law.

With the above observations and directions this writ petition is disposed of.

There shall however be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh,J)