

29.02.2024  
26  
PG/KS  
Ct. No.1

**W.P.A.(P) 98 of 2024**

**Raich Molla.  
Versus  
The State of West Bengal & Ors.**

Mr. Pankaj Halder  
Mr. Nilabha Bera  
Mr. Bidish Ghosh.....for the petitioner

Mr. Jahar Lal De  
Mr. Shamim ul Bari...for the State

1. This is the second time, the petitioner has moved before this Court by way of a public interest litigation. Earlier, W.P.A. (P) 584 of 2023 was filed alleging that the 8<sup>th</sup> respondent therein was illegally putting up construction in the water body. The writ petition was disposed of by order dated 12<sup>th</sup> December, 2023 directing the 5<sup>th</sup> respondent therein viz. the Irrigation Department to take action and the Block Land and Land Reforms Officer was directed to give adequate assistance.
2. The learned Government counsel submitted that the submission made in the earlier writ petition is incorrect as the land does not belong to the Irrigation Department but it is a Government land under the control of the District Collector. Therefore, if any action has to be taken on the complaint given by the petitioner, it is the District Magistrate/District

Collector, who has to initiate action in terms of the Public Land (Eviction of Unauthorised Occupants) Act, 1962.

3. In the light of the above, the writ petition is disposed of by giving liberty to the petitioner to file an appropriate representation before the District Magistrate/District Collector of South 24-Parganas along with copies of the earlier representation and other documents as well as the copy of this order so as to enable the District Magistrate/District Collector to examine the representation on merits and in accordance with law and dispose of the same as expeditiously as possible but preferably within a period of 12 weeks from the date on which the representation is given.
4. With the aforesaid directions, the writ petition is disposed of.
5. No costs.
6. 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.)**