

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction

APPELLATE SIDE

Present:

The Hon'ble Justice Shampa Dutt (Paul)

WPA 4212 of 2019

Sk. Anwar Ali

Vs

The State of West Bengal & Ors.

For the petitioner : Mr. Mrityunjoy Goswami,
Mr. Parikshit Goswami.

For the Respondents : None.

Hearing concluded on : 05.11.2024

Judgment on : 05.11.2024

Shampa Dutt (Paul), J.:

1. Learned counsel for the petitioner is present. None appears for the respondents.
2. The present writ petition of the year 2019 has been preferred by the writ petitioner praying for direction upon the respondent authorities to measure of the side road plot as also the land of the petitioner in due consideration of his representation.
3. A representation has been filed by the petitioner before The Sabhadihpati, Hooghly Zilla Parishad, Chinsurah, The Sabhapati, Tarakeswar Block, The Prodhan, Naita Malpaharpur Gram Panchayat, Tarakeswar.
4. Affidavit-of-service filed be kept with the record.
5. The petitioner's case is that the petitioner is the recorded owner/raiyat in respect of land under mouza-Aymapaharpur, R.S. Dag No. 329, 329/648, R.S. Khatian No. 77 (L.R. No. 119/1), L.R. Dag No. 389, 390 in respect of 0.04 decimal and 0.45 decimal of land respectively.
6. Since recording of his name in the Record-of-Right he is in actual physical possession of the land, where 3 rooms have been constructed for residential purpose.
7. Since those three rooms of his land, as stated above was lying vacant for some period and as the rooms are very near and/or attached to main road and as such people came to take those rooms on rent and

at last the petitioner let-out those rooms to the tenants against monthly rent.

- 8.** In those rooms one Bijoy Krishna Karmakar, Haradhan Kukri and Prasanta Mondal were inducted as 'tenants'. Since those tenants were not regular in payment of rents suits for their eviction for non-payment of rents are pending before the local Civil Court.
- 9.** It is stated that the tenants of the rooms in the above plots made complaint to him that some unknown people came to his land in which the tenanted rooms are there, in their absence and fixed iron poles inside the land and within one of the rooms with the intention to encroach his land for the purpose of extension of the prevailing road or any other purpose which is not known to the petitioner, but the tenants who are in occupation of those rooms as tenant duly objected said activities of the encroachers.
- 10.** It was ascertained that some antisocial people of the locality having no legal right for such illegal manner of encroachment continued such activities only for the purpose of financial gain from the occupier of the land.
- 11.** Petitioner states that it is locally alleged that part his plot of land need to be encroached for extension of prevailing road as his land is attached to main road and for which fresh measurement of his land as also the prevailing road need to be undertaken by the local authority/Body with notice to him.
- 12.** Since there is local allegation of encroachment of land for extension of prevailing road, fresh measurement of his plot of land and

also the existing attached road is highly required otherwise problem would not be solved and the petitioner further prays that such measurement should also be conducted by Government appointed surveyors at the intervention of the local Block Land and Land Reforms Officer in comparing with the mouza map.

13. Petitioner submits that unless the existing side road land and his entire land is measured by Government Amin being conducted by the Local Block Land & Land Reforms Officer taking help of Mouza Map, the problem as created will not be solved for ever for which his sufferings will continue as road side land owner.
14. The petitioner has made a representation through his learned advocate vide letter dated 29.08.2018 but till date the authorities have not taken any action.
15. Considering the submissions and the materials on record including the nature of the dispute the present writ petition is disposed of with the direction that **the respondent authorities taking the assistance of the local Block Land and Land Reforms Officer shall consider the representation of the writ petitioner within a period of 60 days from the date of this order on giving proper hearing to the writ petitioner who may be represented by his learned counsel.**
16. **The final decision of the authorities concerned be communicated to the petitioner on conclusion of the hearing.**
17. There will be no order as to costs.
18. All connected applications, if any, stand disposed of.
19. Interim order, if any, stands vacated.

- 20.** Urgent Photostat certified copy of this order, if applied for, be supplied to the parties expeditiously after due compliance.

(Shampa Dutt (Paul), J.)