

10 20.03.2024
AN Ct. No. 01
RP

MAT 553 of 2024
with
IA No. CAN 1 of 2024

Jane Alam Sk. & ors.
Vs.
State of West Bengal & Ors.

Mr. Biswaroop Bhattacharya
Mr. Ayan Chakraborty
Mr. Subhajit Saha
Ms. Sohini Mukherjee
Ms. Debjani Kundu
Mr. Sudipta Mahapatra

... For the Appellants

Mr. Uttam Kr. Bhattacharyya

... For the Respondent No. 7

Mr. Robiul Islam
Mr. Samim Ul Bari
Mr. K. M. Hossain
Sk. Joyeel Hossain
Mr. Raju Mondal

... For the Respondent no. 8

Mr. Biswabrata Basu Mallick, ld. AGP
Ms. Parna Roy Chowdhury

... For the State

1. We have heard learned counsel for all the parties elaborately.

2. This intra-Court appeal by the writ petitioners challenges the order dated 14.03.2024 passed in WPA 7702 of 2024. The said writ petition was filed by the writ petitioner challenging the order passed by the learned District Magistrate, Purba Medinipur directing removal of the encroachment in accordance with the provisions of the West Bengal Public Land (Eviction of Unauthorised Occupants) Act, 1962. The said order came to be passed pursuant to a direction issued by this Court in a writ petition by order dated 04.08.2022 pursuant to which an

enquiry has been conducted in which the writ petitioners have participated. The learned District Magistrate has recorded in his order that as per the report of the BL&LRO, Mahishadal, it is found that Plot no. 194, J.L. No. 113, Mouza Terepekhyia under Mahishadal Police Station is the land of the District Board vide Khatian No. 344 which is situated in front of the Plot No. 200 of the petitioner.

3. The appellants' contention is that no opportunity was granted to the appellant to meet the findings recorded by the BL&LRO, Mahishadal. Such contention is being disputed by the private respondents. Admittedly, there is not a single scrap of paper to show that the appellants have been authorized to occupy the land and as per the records of the Government as it stands till today that the land is a Government land.

4. Therefore, we find that there is no error in the order passed by the learned Single Judge in dismissing the writ petition. It further appears from the order passed by the learned Single Judge that it has been specifically recorded in the order of the appellate authority that the appellants have admitted that they were unauthorized occupants on the said land in question.

5. In the result, the appeal fails and is hereby **dismissed**. Consequently, the connected application also stands dismissed.

(T. S. Sivagnanam)
(Chief Justice)

(Hiranmay Bhattacharyya, J.)

