

20.06.2024
Item No.22
gd/ssd

WPA(P)/197/2024
SUPRABHAT GHORAI AND ORS.
VS
THE STATE OF WEST BENGAL AND ORS.

Mr. Dinesh Pani
..for the Petitioners.

Mr. Jahar Lal De
..for the State.

1. The petitioners allege that the land which was acquired by the Government for the purpose of formation of the National Highway and the State Highway was not fully utilized for the purpose of forming the road and a certain extent of land which can be set apart so as to be treated as an Accident Free Zone.

2. The allegation is that those lands which are Government lands have been encroached and unauthorized construction have been put up.

3. Apart from that the neighbouring wetlands have also been dumped of garbage and slowly the encroachment process is going on.

4. In this regard, a representation in the nature of a mass petition is stated to have been given on 23.04.2024. Translated version of the same has also been filed in this petition.

5. However, we find that there is no acknowledgement to show that the representation was received by the authorities.

6. Apart from that the so-called encroachers have not been named and impleaded as parties.

7. The petitioners would admit that out of the total extent in the said plot number six decimals of land is under private ownership.

8. Therefore, it is not clear as to whether there is any private dispute which has led to filing the present writ petition.

9. In any event, if there is encroachment of a Government property, stated to have been acquired for the public purpose then the authority should look into the matter.

10. For that reasons, the writ petition stands disposed of by giving liberty to the petitioner to submit a fresh representation to the 5th respondent, namely, the District and District Land Reforms Officer, Purba Medinipur along with the copy of this order.

11. If such representation is submitted, the 5th respondent shall consider the same in accordance with law after notice to all concerned and pass a reasoned order and communicate the same to the petitioners.

12. This direction be complied with within a period of eight weeks from the date of receipt of the copy of the representation is submitted.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)