

17
Court No. 24
15.05.2024
AGM

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 17019 of 2023

**Bandana Dutta
v.
The State of West Bengal & Ors.**

**Mr. Supratick Syamal.
Ms. Somosreedebi Dutta.
... for the petitioner.**

**Mr. Ansar Mondal.
Mr. Asish Dutta.
Ms. Somashree Dey.
... for the State.**

**Mr. Raghunath Chakraborty.
Mr. Mahaboob Ahmed.
... for the Municipality.**

An affidavit has been filed by the Municipality wherein a communication dated 28th August, 2023 by the Chairman of the Municipality to the learned advocate for the Municipality is annexed.

It mentions that the office of the Block Land and Land Reforms Officer may be involved for measurement and if it is found that the land of the petitioner has been encroached upon for construction, then as per measurement the same will be dismantled.

There is no document annexed to the affidavit to show that the Block Land and Land Reforms Officer was approached for measurement of the land in question.

The Municipality is directed to take up the matter forthwith with the concerned Block Land and Land Reforms Officer to ascertain as to whether any portion of

the petitioner's private land has been utilized for public purpose by construction of road.

An inspection shall be conducted for taking measurement with prior notice to all the necessary parties.

If it ultimately reveals that the private land of the petitioner has been encroached for construction of public road, then necessary remedial steps shall be taken by the Municipality in accordance with law.

Steps shall be taken in the matter at the earliest but positively within a period of twelve weeks from the date of communication of this order.

If the concerned Block Land and Land Reforms Officer is approached by the Maheshtala Municipality, then necessary cooperation shall be rendered to measure the land in question.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)