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30.01.2024

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W.P.A. 19242 of 2023
(Bishnupada Singha vs. State of West Bengal & Ors.)

Sk. Rejaul Alam

... For the Petitioner

Mr. Ayan Banerjee

Mr. Parikhit Goswami

... For the State

Affidavit of service filed on behalf of the petitioner is taken on record.

None appears for the private respondents despite service.

The petitioner claims to be the recorded owner of the plot in question and complains that the private respondents have raised unauthorised construction by encroaching upon a portion of the Government land adjoining his property, thereby obstructing his egress and ingress. The petitioner submitted a representation before the concerned authority on 26th June, 2023 which is yet to be considered. The petitioner prays for a direction upon the authority to consider the representation at the earliest.

Learned counsel for the State respondents submits that pursuant to the representation submitted by the petitioner demarcation of the plot in question has been held by the Block Land and Land Reforms Officer, but demarcation report is yet to be submitted. Learned counsel submits that the 4th respondent be directed to consider and dispose of the representation in accordance with law.

In view of the above, this Court is inclined to hold that since the demarcation of the disputed plot has already been done, the Block Land and Land Reforms Officer, Naikuri Block being the 7th

respondent herein be directed to submit demarcation report within two weeks from date. Upon receipt of the report, if it is found that the Government land or any portion thereof has been encroached upon by the private respondents, the 4th respondent be directed to initiate proceeding under the West Bengal Public Land (Eviction of Unauthorised Occupants) Act, 1962 and take the proceeding to its logical conclusion within two months from the date of receipt of the demarcation report upon affording reasonable opportunity of hearing to all interested persons including the petitioner and the private respondents, in accordance with law.

The writ petition is thus disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)