

26.09.2024
Sl. No.18(DL)
srm

W.P.A. No. 21511 of 2024
Harsh Beriwal & Ors.
Versus
The State of West Bengal & Ors.

Mr. Agniswar Bhuniya
...for the Petitioner.

Mr. Ansar Mandal,
Mr. Tanweer J. Mandal
...for the State-respondents.

Mr. P.C. Chatterjee
...for the Respondent Nos.8 & 10.

Affidavit-of-service is taken on record.

The petitioners seek an order upon the Executive Officer, Digha Sankarpur Development Authority and pray for setting aside a demolition notice. An allegation that the petitioners had encroached government land was made by the authority. The petitioners were asked to demolish the unauthorised construction, failing which the authority threatened to demolish the structure.

The law is well settled. In case of encroachment of government land, the authority cannot proceed to demolish the structures, without proceeding under the appropriate law.

Under such circumstances, the petitioners are at liberty to file their additional reply along with all documents to show

lawful possession of the land in question, by denying the allegation of encroachment. Accordingly, the authority empowered by law shall act on the basis of the relevant statute and take steps. All the issues raised by the petitioner, shall be decided by the appropriate authority, in accordance with law. The petitioner shall be heard. An inspection shall be made in presence of the petitioner in order to demarcate the alleged encroachment, prior to the hearing. A report shall be prepared and supplied to the petitioner. The petitioner shall be allowed to respond to such report.

Till the decision is arrived at by the appropriate authority in accordance with law, the petitioners shall not be disturbed.

The entire exercise shall be completed within a period of three months from the date of communication of this order.

The writ petition is, thus, disposed of.

There shall be no order as to costs.

All parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)