

13.02.2024
rc/ct.no.10
Item No.618

WPA No. 22944 of 2023
Kanchan Mondal
Versus
The State of West Bengal & Ors.

Mr. Dipankar Mandal
Mr. Abdul Aziz Mondal ...for the petitioner

Mr. Ayan Banerjee
Mr. Soumyajit Ghosh ...for the State

Affidavit of service filed in Court today is taken on record.

Service upon the private respondent has returned with an endorsement 'Refused' which amounts to goods service.

None appears for the private respondent despite service.

The petitioner claims to be the recorded owner of the plot in question and complains that the private respondent has raised unauthorised construction by encroaching upon a portion of the Government land adjoining his property, thereby obstructing his ingress and egress. The petitioner submitted a representation in this regard on July 31, 2023 before the concerned authority which is yet to be considered. The petitioner prays for a direction upon the concerned authority to consider the said application at the earliest.

In producing a report of the Block Land and Land Reforms Officer, Tehatta-II dated November 22, 2023, learned counsel for the State respondents submits that

upon demarcation of the plot in dispute it is revealed that both the private respondent and the petitioner have encroached upon portions of the Government land classified as 'Nayanjuli' recorded in the name of the Collector.

In view of the above, this Court is inclined to hold that since encroachment upon Government land by both the petitioner and the private respondent has been found upon demarcation, the concerned authority being the 5th respondent herein, be directed to initiate proceedings under the West Bengal Public Land (Eviction of Unauthorised Occupants) Act, 1962 against all the encroachers and take the proceedings to its logical conclusion within three months from the date of communication of this order, after affording reasonable opportunity of hearing to all the interested persons including the petitioner and the private respondent, in accordance with law.

With the above observations and directions this writ petition is disposed of.

There shall however be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh,J)

