

16.12.2024

Item No. 24

Crt.No.02

b.r.

WPA 24089 of 2024

Atanu Ghosh

-vs-

The State of West Bengal & Ors.

Mr. Surya Prasad Chattopadhyay

Mr. Arjun Samanta

Ms. Trishtrya Mancherji

.... For the petitioner.

Mr. Somnath Ganguli, Ld. Sr.Adv. & Ld.

AGP

Ms. Sujata Mukherjee

.... For the State.

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

Mr. Surya Prasad Chattopadhyay, learned counsel appears for the petitioner.

Mr. Somnath Ganguli, Ld. Senior Advocate and learned Additional Government Pleader appears for the respondent nos. 1 to 7.

The petitioner submits that out of **44 decimals** of land owned by his predecessors-in-interest a portion of **20 decimals** of land has been acquired by the State authority for public purpose, road has been constructed. Petitioner submits that a portion of the unacquired land has been encroached upon by the local Panchayat. He only prays for demarcation of the acquired portion of the

land to be caused by the appropriate State authority to segregate the same from the unacquired land.

Learned counsel submits through this writ petition, the petitioner shall not ventilate any grievance with regard to the alleged encroachment. However, he reserves his right to initiate, appropriate proceeding on the ground of encroachment at the appropriate stage after demarcation of the land.

In the view of the above, the **respondent no.5** upon issuing a prior notice to the petitioner and the **respondent no.7** shall demarcate the acquired portion of the land in accordance with law. The petitioner shall be at liberty to take assistance of an Amin of his choice during such demarcation. The **respondent no.5** then shall furnish a report with the detailed land map showing the demarcation to the petitioner. This entire exercise shall be carried out and completed by the respondent no.5 positively within a period of **four weeks** from the date of communication of this order.

It is made clear that the petitioner shall be at liberty to initiate appropriate proceeding with regard to his complain of encroachment in accordance with law at the appropriate stage.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions, this writ petition, **WPA 24089 of 2024** stands **disposed of**, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)