

07-02-2024
Item No.27
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA No.23131 of 2023
Srikanta Samui & Anr.

-vs-

The State of West Bengal & Ors.

Mr. Arabinda Manna ...for the petitioners

Mr. Debjit Mukherjee
Ms. Oindrila Chatterjee ...for the State

The petitioners allege that the private respondents have made unauthorised construction over the private land of the petitioners and have also encroached upon the PWD land.

It appears from the documents annexed to the writ petition that encroachment over the PWD land has already been detected and that notice has been issued to the private respondents to remove the illegal encroachment way back in July 2023. Till date, the illegally encroached PWD land has not been removed. The complaint alleging unauthorised construction before the Pradhan is pending consideration.

Learned counsel representing the State submits that a letter has been written to the Sub-Divisional Officer for acting in furtherance to the notice dated July 3, 2023 directing the private respondents to remove the illegally encroached land.

As unauthorised construction has been detected over the public land, accordingly the respondent-authorities ought to take immediate steps for removal of the same in accordance with law.

As regards objection filed by the petitioners before the Pradhan of the Gram Panchayat, the same shall be taken up for consideration and be disposed in accordance with law, after giving reasonable opportunity of hearing to all the necessary parties and by passing a reasoned decision.

If any unauthorised construction is detected, steps shall be taken to deal with the same in accordance with law. The Pradhan, however, is restrained from interfering into or adjudicating the issue of encroachment and any other private dispute in between the parties.

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

Learned counsel for the petitioners is directed to forward a copy of the representation dated August 7, 2023 (Annexure P6, p.52) to the Pradhan of the Gram Panchayat and also a copy of the memo no.279/13/1(P-II) dated July 3, 2023 (p.54) to the Sub-Divisional Officer, Arambagh for taking further steps in the matter.

WP No.23131 of 2023 is disposed of.

Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

