

April 5, 2024
(730) ARDR

WPA 24581 of 2023

Rabindranath Bera & anr.
Vs.
Haldia Development Authority & ors.

Adv. Golam Mastafa,
Adv. T. S. Samanta,
Adv. Subir Sabud,
Adv. S. Sardar,
...for the petitioners.
Adv. Sobhan Majumder (through V.C.),
...for the respondent no.8.
Adv. Diptomoy Talukder,
Adv. S. M. Hassan,
...for the respondent no.4.
Adv. Afrojul Haque,
...for the respondent nos. 1 and 2.

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

None appears for the State respondents and the 9th respondent despite service.

Mr. Chandi Charan De, advocate, who usually appears for the State and is present in Court today, is requested to represent the State along with his junior Mr. Anirban Sarkar, advocate in this matter.

Their appointment be regularised by the office of the learned Legal Remembrancer.

The petitioners are directed to serve copy of the writ petition along with annexures thereto upon Mr. Sarkar, advocate in course of this day.

The petitioners claim to be the recorded lessees in respect of the plot in question and submit that the private respondents have raised unauthorised construction by

encroaching upon a land of the Haldia Development Authority adjoining their property, thereby obstructing their egress and ingress. The petitioners submitted a representation before the concerned authority in this regard on 11th September, 2023 and pray for a direction upon the authority to consider the representation at the earliest.

Learned counsel for the Haldia Development Authority submits that upon demarcation of the plot in dispute, it was found that the private respondents have illegally constructed two pucca structures on the land belonging to the authority. Notices have been served upon the encroachers for restoring the land to its original condition.

Learned counsel for the 8th respondent submits that the this respondent has applied before the authority for grant of lease in respect of the land in dispute, occupation of which is alleged to be illegal.

Learned counsel for the State respondents submits that the 6th respondent be directed to consider the representation in accordance with law.

In view of the above, this Court is inclined to hold that since unauthorised occupation of the plot in question has been found upon demarcation, the 6th 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 communication of this

order upon affording reasonable opportunity of hearing to all the interested persons including the petitioners and the private respondent, in accordance with law.

The parties shall be at liberty to produce relevant documents in support of their respective claims before the authority at the time of hearing.

With the aforesaid directions, the 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 have been admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)