

April 2, 2024
ARDR (704)

WPA 25219 of 2023

Bhaskar Mondal
Vs.
The State of West Bengal & ors.

Sr. Adv. Probal Kumar Mukherjee,
Adv. Shebatee Datta,
...for the petitioner.
Adv. Anamika Pandey,
...for the respondent no.15.
Adv. Avirup Mondal,
Adv. Md. Mudarzan Nazar Chowdhury,
...for the State.

On prayer of the petitioner, liberty is granted to implead the Block Land & Land Reforms Officer, Shaympur-I Block, Shyampur, Howrah as the 19th respondent in the writ petition.

Further liberty is granted to the petitioner to correct the surname/name of respondent nos. 14 and 18 in the cause title of the writ petition.

The cause title of the writ petition be amended accordingly.

Since the 19th respondent is already represented, further service of notice upon him is dispensed with.

Affidavit of service submitted on behalf of the petitioner and the statement of facts submitted on behalf of the State respondents are taken on record.

None appears for the private respondents except respondent no.15, despite service of notice.

It is contended on behalf of the petitioner that the petitioner is the recorded *bargadar* in respect of 1.27 decimals of land in L. R. Dag no.3006, Khatian no. 535,

J.L. no. 109, Mouza Dingakhola, District Howrah. The private respondents have raised unauthorised construction on the embankment adjacent to a water body adjoining the plot of the petitioner, thereby obstructing his egress and ingress. The petitioner seeks to submit a comprehensive representation before the concerned authority in this regard and prays for a direction upon the authority to consider the representation at the earliest.

Learned counsels for the respondents submit that pursuant to the representation submitted by the petitioner, a general diary has been lodged by the Sub-Divisional Officer, Seijberia Irrigation Sub-Division before the Officer-in-Charge, Shyampur Police Station on 23rd November, 2023. The Sub-Divisional Officer has also requested the Block Land & Land Reforms Officer, Shyampur-I Block for demarcation of the plot in dispute/embankment by a letter issued on 24th November, 2023. The demarcation is yet to be made.

In view of the above, this Court is inclined to hold that since the Block Land & Land Reforms Officer, has been requested to demarcate the plot in dispute in order to ascertain the alleged unauthorised construction made therein, the Block Land & Land Reforms Officer, Shyampur-I Block, being the 19th respondent herein, be directed to demarcate the plot in dispute upon service of notice upon all concerned including the petitioner and the private respondents and submit a report to that effect before the 3rd respondent within one month from date.

Upon receipt of the demarcation report, in the event encroachment upon the embankment or any portion thereof is found, the 3rd respondent be directed to initiate proceeding under the Bengal Embankment Act, 1882 and take the proceeding to its logical conclusion within three months from the date of receipt of the demarcation report upon affording reasonable opportunity of hearing to all the interested persons including the petitioner and the private respondents, in accordance with law.

With the aforesaid observations and 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.)