

December 6, 2024
AD 47
Ct. 17
SG

WPA 26700 of 2024

Mantu Mondal and others
vs.
The State of West Bengal and others

Mr. Sourat Nandy
... for the petitioners

Mr. Sougata Mitra
Ms. Dipannita Ganguly
... for the State

Mr. Sounak Bhattacharya
Mr. Avirup Halder
... for the respondent nos.5 to 9

Leave is granted to add the concerned Sub-Divisional
Magistrate in the cause-title.

Let the correction be done in course of the day.

Report filed by the State is taken on record.

Learned counsel for the petitioners submits that the private respondents have made illegal construction on public land. The said land belongs to the P.W.D. and the Irrigation Department. Despite representation of the petitioners being made in this regard, no steps have been taken.

Learned counsel for the private respondents denies the allegations and submits that there is a private dispute between the parties.

Learned counsel for the State relies on the report given by the police authorities and submits that this is a civil dispute between the parties.

It appears that the representation made by the petitioners was only before the police authorities. If the petitioners intend the authorities to act in terms of the West Bengal Public Land (Eviction of Unauthorised Occupants) Act, 1962, then an appropriate application has to be made before the concerned SDM.

In view of the above, the petitioners shall be at liberty to make a comprehensive representation before the concerned SDM, which shall be considered by the said SDM expeditiously and in accordance with law and after giving opportunity of hearing to the concerned parties.

Therefore, No further order need be passed.

With these observations, the writ petition is disposed of.

Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of requisite formalities.

(Jay Sengupta, J.)