

WPA 26209 of 2023

Ashok Das
vs.
State of West Bengal & Ors.

Mr. Aswini Kr. Bera
Mr. Arijit Bera

....for the petitioner

Mr. Biswabarta Basu Mallick
Mr. Biman Halder

...for the State

It is the case of the petitioner wherein he states that the petitioner being a landless indigent person has no land of his own, therefore, for more than 30 years he along with his family members has been residing peacefully, openly and without any interruption at road side under plot No. 408 measuring about 01.17 decimals out of 21 decimals and plot No. 409 measuring about 02.30 decimals out of 88 decimals at mouja Baragarh, J.L. No. 448 by constructing a small dwelling house over the said land which belongs to the respondent No. 2 i.e. the State Government of West Bengal and other respondent Nos. 3 to 5. Besides the dwelling house over the said plot of land the petitioner runs a small tea stall there in order to earn their livelihood. It is pertinent to mention that during the above-mentioned period of 30 years there was no disturbance and/or any objection written as well as verbal from the owner of the land i.e. respondent Nos. 2 to 5 and concerned

authority i.e. respondent No. 6. Consequently, the Voter Identity Card, Aadhaar Card, Electric Connection and Panchayat Tax have all been issued to the same address. It is the case of the petitioner that they are poor people and have been residing on the said land for the past 30 years. As the petitioner has been residing over the said plot of land for more than 30 years, he has made several prayers jointly as well as individually before all concerned respondents for the settlement of the said land in favour of the petitioner. Petitioner also states that initially due to lack of knowledge prayer was made for issuing patta in his favour but knowing the fact of the position of the said land proper applications were made for long term lease as provided in the West Bengal Land & Land Reforms Manual, 1991. In the present writ petition, the petitioner states that one Mr. Nayan Chand Aditya purchased the adjacent land, measuring approximately 0.6 decimals of plot No. 419, in 2020. He subsequently filed a writ petition No. 1240 of 2023, seeking the removal of the petitioner from the said land, alleging that the petitioner is an illegal and unauthorized occupant of the said land belonging to respondent Nos. 2 to 5. Additionally he raised objections against the petitioner claiming that their presence obstructs ingress and egress towards the pucca road from his property. This Court by an order dated 10.02.2023 directed the District

Magistrate, Paschim Midnapore being the respondent No. 6 to consider the prayer of the writ petitioner as – per Section 3(1) of the West Bengal Public Land (Eviction of Unauthorized Occupants) Act, 1962 and to decide the issue after considering the case of both the parties.

Respondent No. 6, passed a speaking order holding that both the parties have no right over the Government land and hence asked the respondent No. 2 to 5 to remove the petitioner after following the due process of law. It is the submission of the petitioner that representation dated 28.10.2023 he had approached the respondents for considering his case for grant of a long term lease, however no decision has been taken in this regard.

Learned counsel for the respondents submits that the petitioner and his family are in illegal occupation of the Government land. However, in the interest of justice they are willing to consider petitioner's representation dated 28.10.2023.

In view thereof, respondent No. 6 is directed to consider petitioner's representation dated 28.10.2023 within a period of 8 weeks after affording an opportunity of hearing to the petitioner by way of a speaking order.

In view of the concession made by the respondent No. 6 the petitioner is not interested to

proceed with the present writ petition. Hence the same is dismissed as withdrawn.

Needless to state that if the grievances of the petitioner are not met with or if he is aggrieved by the order passed by the respondent No. 6, he shall be at liberty to challenge the same in accordance with law.

Since no affidavit-in-opposition has been called for, none of the allegations are admitted.

(Gaurang Kanth, J.)