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04.01.2024
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 28098 of 2022

Sri Hiranmay Giri & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Bharat Chandra Simai
...for the petitioner

1. The petitioners contend that although the property-in-question, which is adjacent to the petitioners' property and blocks the ingress and egress to the petitioners' property, has been mischievously portrayed to be a burial ground, the same appears in the official records as a path. Due to such unlawful encroachment of public property, the petitioners seek appropriate proceedings to be taken out by the respondent authorities for removal of such encroachment.
2. The affidavit-of-service filed in Court today be kept on record.
3. Despite service, none appears for the respondents. In view of the innocuous nature of prayer, further service is not directed.
4. W.P.A. No. 28098 of 2022 is disposed of by directing the Collector, Purba Medinipur, that is, the respondent no. 2 herein, to obtain report from the concerned Block Land & Land Reforms Officer

regarding as to whether any unauthorized encroachment has been made on government property, as pointed out by the petitioners in the present writ petition.

5. Such exercise shall be concluded within three weeks from the date of communication of this order to the respondent no. 2 by the petitioners.

6. Upon obtaining such report, if it transpires that there is actually such encroachment, the respondent no. 2 shall initiate appropriate proceedings in accordance with law for removal of such encroachment at the earliest.

7. It is expected that such proceeding shall be concluded as expeditiously as possible.

8. There will be no order as to costs.

9. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)