

WPA 27628 of 2023

Arup Midya & others.
-vs-
The State of West Bengal & others.

Mr. Golam Mastafa
Mr. Tarasankar Samanta
Mr. Samirul Sardar
...for the petitioners
Ms. Debapriya Chatterjee
...for the State
Mr. Bibekananda Tripathy
...for the respondent nos. 8 to 10

Learned counsel appearing on behalf of the petitioners submits that there is an unauthorized construction done by the private respondents on public road in front of rayati land of the petitioners in plot no.618 in question. Despite making representation before the respondent authorities, no steps were taken. Only a letter was written by the Assistant Engineer, PWD, Haldia Construction Sub Division No.1 to the BL & LRO, Nandigram Block-1, Purba Medinipur requesting demarcation and supply of sketch map and ROR adjacent to Plot No. 618.

Learned counsel appearing on behalf of the State relies on the report filed today, which is taken on record and denies the allegations made in the writ petition. He submits that as per field enquiry conducted by the officials, it was

found that at present, the road was in LR Plot No. 620. No road was present on L.R. Plot No. 618. Except Ananta Panda, all other rayats were in possession of the land as per official records. Only Bibhuti Ranjit was holding 0.0250 acres of land whereas his record showed .04 acres. The applicant Arup Midya was holding .025 acres of land and had converted the land in Dag No. 618 from Jal to Bastu measuring an area of 0.03 acres with a share of 833. The concerned plot no. 618 was a rayati land and from inquiry, it was found that there was no encroachment. The land was not vested in the State. From the photograph appended to the report and signed by the Block Land and Land Revenue Officer, it does not appear that there is any encroachment in front of Plot No. 618 on the public road in plot no.620. Therefore, there is no question of demolition of unauthorized structure as prayed for by the petitioners.

Learned counsel appearing on behalf of the private respondents denies the allegations.

The report filed on behalf of the State does not support the petitioners' contention that the land in front of his plot no.618 on public road has been encroached upon or there was any unauthorized construction done on the same.

Therefore, no further order need be passed in this regard.

With these observations, the writ petition is disposed of.

Urgent Photostat certified copy of this order be

supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)