

WPA 30863 of 2024

Miral Rio Football Club & anr.
Vs.
State of West Bengal & Ors.

Adv. Sabyasachi Chatterjee,
Adv. Pintu Karar,
Adv. Akashdeep Mukherjee,
Adv. Sayani Manna,
Adv. Sourav Roy

...for the petitioners.

Adv. Dipanjan Dutta,
Adv. Biplab Guha,
Adv. Barnali Gupta,

...for the State.

Affidavit of service filed on behalf of the petitioners
be kept with the record.

The instant writ petition is filed at the behest of the writ petitioners on the ground that they found huge anomaly in respect of construction of overhead water tank in L.R. plot no. 2070/2393 which is classified as 'Nayanjuli'. It is said by the writ petitioners that no encroachment should be made in respect of his land by the authority concerned. It is further submitted that the petitioners have owned and possessed the land bearing L.R. plot no. 2048 under L.R. *Khatian* no. 6200 which is adjacent to the said plot of land on which the said construction is being made. It is further submitted by the petitioners that a Title Suit being T.S. no. 549 of 2024 was instituted before the learned trial Court at Uluberia and it is still pending thereat. It is the stand point of the petitioners that such project as started by the authority must be executed with due adherence to

the rules and regulations and in no way they can encroach the property of the petitioners.

It is also the stand point of the writ petitioners that if such construction is made encroaching their land then they will be prejudiced and it cannot be compensated in any way.

At the time of hearing, it is candidly submitted by the learned advocate for the petitioners that the construction may be made by the department without encroaching their plot of land.

It appears from the material on record that the L.R. no. 2070/2393 is classified as '*Nayanjuli*' and over which the proposed overhead water tank is being constructed. It is stated by the petitioners that they are apprehending that at the time of construction the encroachment of their land may be made.

Accordingly, the respondent no. 12/Assistant Engineer, Uluberia Sub-Division, P.H.E DTE, Government of West Bengal is hereby directed not to make any construction encroaching the plot of land being L.R. plot no. 2048 under L.R. *Khatian* no. 6200 owned and possessed by the present writ petitioners.

Let a copy of this order be communicated to the said respondent no.12 immediately.

With the aforesaid observations and directions, the writ petition is disposed of.

However, there shall be no order as to costs.

Urgent certified website copy of this order, if applied for, be given to the parties, upon compliance with all requisite formalities.

(Prasenjit Biswas, J.)