

22.5. 2025
item No.19
n.b.
ct. no. 24

WPA 2107 of 2020

Jenuruddin Sk.

Vs.

The State of West Bengal & Anr.

Mr. Atis Kumar Biswas,
Mr. Amit Singh,
Ms. Jyoti Agarwal,
..... for the petitioner.

Mr. Susovan Sengupta,
Mr. Srikanta Paul,
Mr. Raj Sekhar Basu,
..... for the State.

Petitioner is the owner of plot no.1431 of Khatian No.430 within Mouza Abhayaganar, District of Nadia. He approached this Court seeking necessary direction upon the concerned authority for removal of unauthorized construction over government land by which free ingress and egress of the petitioner has been blocked.

During the pendency of the instant writ petition, the Assistant Engineer, Plassey Highway Sub Division, P.W.(Roads) Directorate received a report from concerned BL & LRO, Tehatta-II. The report of BL & LRO, concerned has placed before this Court with hand sketch. The report contains as follows:

Sub: Demarcation of village road in front of plot no.1413 of Mouza Abhoynagar J.L. No. 9 in connection with the W.P. no.2017(W) of 2020 related to Jenuruddin Sk. Vs. The State of West Bengal and ors.

Ref: This Office memo.no.102/The-II/2020 dated 06/03/2020

Sir,

With reference to the above, this is to inform you that as per report submitted by Shri Debabrata Pramanik, R.O. that the demarcation of village road in front of plot no.1413 of Mouza Abhoynagar J.L. No. 9 in connection with the W.P. no.2017(W) of 2020 related to Jenuruddin Sk. Vs. The State of West Bengal. The findings are furnished below:

- 1. Jenuruddin Sk. s/o Alauddin Sk. the petitioner, resides on plot no.1431 under Abhayanagar Mouza, J.L. No. 9, within the area of 0.53 acre which is recorded in computerised L.R.R.O.R. in the name of the raiyat, Badila Khatun Bibi w/o Alauddin Sk., LR kh. No.430, which is shown in the hand sketch map marked as 'A'.*
- 2. Lalan Biswas s/o Mafajuddin Biswas(respondent no.11) and Gaffer Biswas s/o Mafajuddin Biswas (respondent no.12) both reside on plot no.954 which is recorded in computerised L.R.R.O.R. in favour of the Collector on behalf of Govt. of West Bengal in LR Kh. No.1 with classification "Dahar" with the total area of 1.58 acres.*
- 3. There is encroachments of Lalan Biswas on plot no.954 in front of 1431 marked as 'B' and 'B1' in the hand sketch map and both are coloured red in the map. There is another encroachment of Gaffar Biswas on the same plot marked as 'C' and coloured with green in the hand sketch map.*

This is for your kind information & taking necessary action."

It appears from the hand sketch that unauthorized construction, which was marked as 'B' in the hand sketch, is in front of plot of land no.1431.

It is clear that there are some unauthorized construction over the plot land belongs to the collector, Government of West Bengal under Khatian No.1. Hence the concerned authority must act according to law to remove the unauthorized construction.

Under the above observation, the instant writ petition is disposed of with a direction to the petitioner to approach the Sub-'divisional Officer, Tehatta Sub-

Division, being respondent no.4 of this writ petition with a fresh representation coupled with the copy of this order for his desired relief within four weeks from the date of passing of this order.

On such representation, the respondent no.4 is directed to dispose of the representation within six weeks from the date of filing of the same after giving an opportunity of being heard to the concerned parties.

If it appears to the Sub-divisional Officer that there are some unauthorized construction over the Government land, he shall take appropriate measures to remove the unauthorized construction according to law.. The decision of the authority should be exercised within six weeks from the date of filing of the representation after giving an opportunity of being heard to all concerned.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Subhendu Samanta, J.)