

Item.28

28.01.2025
ssi

Ct. 17

WPA 7243 of 2024

Marjit Shaikh @ Seikh & anr.

-vs-

The State of W.B. & ors.

Mr. Debabrata Mondal

Ms. Sreetama Neogi

...for the petitioners

Mr. Shahan Shah

Mr. Soumen Barman

...for the private respondents

Mr. Somnath Ganguli

Mr. Priyamvada Singh

...for the State respondents

Report filed on behalf of the State is taken on record.

Learned counsel appearing on behalf of the petitioners submits as follows. The private respondent has come up with construction on government land. This is blocking the common path as the private respondent has encroached upon such common pathway. Accordingly, the petitioners made representation before several authorities including the District Magistrate for taking action in terms of the West Bengal Public Land (Eviction of Unauthorized Occupants) Act, 1962. In spite of this, no action has been taken. Even the representation was not responded to.

Learned counsel appearing on behalf of the State relies on the reports of the police authorities and submits as follows. According to the report of the BL & LRO, the total area of RS Plot No. 3834 is 0.66 acres and the classification of this plot is Dahar with remarks Dang Ejmali for common

people use. However, an annexure to the report of the police authorities seems to be a little contradictory.

Learned counsel appearing on behalf of the private respondents denies the allegations and submits that the petitioner does not have any locus to make any objection.

It does not appear that the petitioners have made any representation before the concerned authority namely, the concerned SDO for taking action and under the Act of 1962.

In view of the same, the petitioners are granted liberty to file an appropriate representation before the concerned SDO. In the event the same is made within two weeks from this date, the concerned SDO shall consider the application in accordance with law and upon hearing the interested parties as expeditiously as possible, preferably within eight weeks from making of such representation.

It is made clear that the merits of the case have not been gone into.

With these observations, the writ petition is disposed of.

As affidavits were not called for, the allegations made in the writ petition are deemed not to have been admitted.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)