

17.04.2025
Item No.39
gd/ssd

WPA(P)/124/2025
ANZUM ALAM
VS
STATE OF WEST BENGAL AND ORS.

Mr. Soumen Barman
..for the Petitioner.

Mr. Sk. Md. Galib,
Ms. Priyamvada Singh
..for the State.

1. The petitioner by way of this public interest litigation seeks for a direction to demolish the building constructed by the private respondent nos. 8 to 10 on a Government land being RS plot nos. 2701 and 2702 in Mouza-Hanskunda JL no 28, Police Station Goalpokher, District-Uttar Dinajpur and restore the land to its original nature and character.

2. The petitioner had submitted a representation to the authority namely, the 3rd respondent and since no action was taken on the representation, the writ petition has been filed.

3. The Block Land and Land Reforms Officer Goalpokher-I, Uttar Dinajpur has given written instruction to the learned Government Pleader by memo dated 08.04.2025 which is to the following effect:

“1) In L/R KB stage the plots Nos. 2701 & 2702 with an area 17 & 28 decimal of land are recorded in KB Khatian No. 01 in favour

of Government of West Bengal in the mouza Haskunda J.L.No. 28.

2) As per E-Bhuchitra plots Nos. 2701 & 2702 with an area 17 & 28 decimal found in LR Khatian No. 01 in favour of Government of West Bengal.

3) As per R/I report it is found that the three sons of Late Saliullah Khan i.e, 1) Imtiyaz Ali Khan, 2) Iftekhar Ali Khan & 3) Zafrullah Khan possessed the above said plots for the last 30 years & currently they constructing a building over the mentioned Plots.”

4. From the above report it is seen that the allegation made by the petitioner appears to be factually correct.

5. If construction has been made in a vested land, then action has to be taken to restore the land back to the possession and enjoyment of the Government.

6. However, this has to be done by following due process of law.

7. Therefore, we dispose of the writ petition by directing the 3rd respondent to take appropriate action in accordance with the relevant Statute after issuing notice to the private respondents and after affording an opportunity of personal hearing to them.

8. It will be well open to the private respondents to place before the authority their contentions and documents which shall be considered and a reasoned decision be taken in accordance with law.

9. The above direction be complied with within a period of three months from the date of receipt of the server copy of this order.

10. If any ongoing construction is there, the authority shall instruct the private respondents to immediately stop the ongoing construction and awaiting the final decision to be taken in terms of the above direction.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(CHAITALI CHATTERJEE (DAS), J.)