

17.04.2025
Item No.41
gd/ssd

WPA(P)/127/2025
ACHINTYA SARDAR
VS
STATE OF WEST BENGAL AND ORS.

Mr. Rabindra Narayan Dutta,
Mr. Sibasis Ghosh,
Mr. Soham Banerjee,
Ms. Sudipa Bose (Bhattacharjee)
..for the Petitioner.

Mr. Sk. Md. Galib,
Mr. Manish Biswas
..for the State.

Mr. Biswaroop Bhattacharya,
Mr. S. Chakraborty,
Mr. Soumya Nag,
Mr. Rajdeep Sengupta
..for the Respondent Nos.12 and 13.

1. The petitioner alleges that the private respondents have filled up the canal and put up boundary wall and a direction has been sought for upon the authority to take action.

2. The Block Land and Land Reforms Officer, Bishnupur-II has given written instruction to the learned advocate appearing for the state vide memo dated 16.04.2025. Along with the said instruction a report has been filed by the BL&LRO dated 16.04.2025 from which it is seen that the classification of the RS & LR plot no.132 of Mouza-Chak Rajumolla, JL no.18 is denoted as “khal” or “canal” and among the various

persons whose names are found to be recorded in the said plots.

3. The names of the writ petitioner along with private respondent no.13 are found to have been recorded within LR Khatian nos. 3251 and 233/1 with the area of 0.00 acre (share-12) and 0.11 acre (share-537) respectively.

4. After receiving communication from the Sub-Divisional Officer, Suburban Drainage Sub-Division No.-II, Department of Irrigation and Waterways Directorate, the concerned Revenue Inspector has conducted a joint inspection with the presence of the representative of the Irrigation Department and submitted a report.

5. It is reported that a 70 ft. long boundary wall is present along the side of canal in the Eastern Side portion of the said plot numbers. Five decimals and one decimal of lands are found to be recorded within LR Khatian Nos.2538 and 233/1 in favour of respondent nos.12 and 13 respectively and RS & LR Plot No.175 of Mouza-Chak Rajumolla, JL No.18.

6. At the time of enquiry it was observed that as per Mouza plan the said canal had a width of 45 ft. in the vicinity of RS & LR Plot No.175.

7. However, at present physically it has a width of 25 ft. and the remaining area has been filled up.

8. Further, in the report states that the wall is found to be located from east and west direction in that filled portion.

9. It is further reported that no information is available regarding who was filled that portion of the canal.

10. Therefore, the authority to ascertain the status of acquisition of the said plot.

11. A letter has been sent to the Special Land Acquisition Officer, South 24 parganas.

12. In the light of the above development, it appears that action has been taken pursuant to the representation made by the petitioner.

13. Therefore, the authority should be granted reasonable time so that the Special Land Acquisition Officer shall also look into the matter and do the needful.

14. It is needless to state that before any action is taken, notice should be given to all concerned including the petitioner since the report states that the name of the writ petitioner is also recorded in the LR

Khatian nos.3251 and 233/1 along with the private respondent no.13.

15. After the status report is received from the Special Land Acquisition Officer, the BL&LRO Bishnupur-II shall proceed to take action in accordance with law.

16. The Special Land Acquisition Officer shall comply with the requisition made by the BL&LRO within three weeks from the date of the receipt of a server copy of this order after which the BL&LRO shall conduct appropriate enquiry, issue notice to all concerned and inform the reasoned decision on merits and in accordance with law.

17. With the above observations, the matter stands disposed of.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(CHAITALI CHATTERJEE (DAS), J.)