

21.01.2025
Item 21
Ct. 17
tbsr

WPA 8743 of 2023

Chaitali Bera & Anr.
Vs.
State of West Bengal & Ors.

Mr. Tarasankar Samanta
....for the petitioner

Mr. Chandi Caharan De
Mrs. Chandana Ghosh
....for the State

Mr. Uttam Kr. Bhattacharyya
....for the respondent nos. 4 & 5

Ms. Shebatee Datta
Ms. Poulami Roy
....for the respondent nos. 8, 9 & 10

Learned counsel appearing on behalf of the petitioner submits as follows. The private respondents have encroached upon Government land. Structures have been put up on Government land in front of the land of the petitioner at LR plot no. 138. Earlier, this Court was moved and a report was submitted in this regard. It was evident from the report that the respondent nos. 8, 9 and 10 therein were possessing to the plot no. 136 classified as (bheribandh) adjacent to plot no. 138. The plot no. 136 belonged to West Bengal Works & Building Department. A Coordinate Bench of this Court earlier disposed of an application with a direction upon the authorities to ensure the

public road should be clear and the ingress and egress of the petitioners should not be disturbed. However, no steps were taken by the respondents in this regard. Reply to a subsequent RTI application showed that the said respondents therein had applied for permission for taking leasehold right over the suit land, but no such permission was granted. Accordingly, the petitioner made a representation before the concerned authorities for taking appropriate action in terms of the West Bengal Public Land (Eviction of Unauthorized Occupants) Act, 1962. But no steps have been taken in this regard.

Learned counsel appearing on behalf of the private respondents denies the allegations and submits that the application for obtaining leasehold rights over the suit plot has not been decided by the concerned authority yet.

Learned counsel appearing on behalf of the State submits that no representation has been made to the concerned SDO.

In view of the above, the writ petition is disposed of by granting liberty to the petitioner to make an appropriate representation before the concerned SDO for seeking relief in terms of the said Act of 1962. In the event the same is made within two weeks from this date, the concerned SDO shall decide the matter in

accordance with law and upon hearing all the interested parties as expeditiously as possible, preferably within eight weeks from the date of making such application.

With these observations, the writ petition is disposed of.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance.

(Jay Sengupta, J.)