

S/L 20
25.04.2025
Court. No. 551
Suvayan

WPA 11834 of 2019

**Bholanath Mondal & Ors.
Vs.
The State of West Bengal & Ors.**

Mr. Md. Zeeshanuz Zaman

...for the petitioners.

*Mr. Jayanta Samanta
Mr. Manas Kumar Sadhu*

...for the State.

*Mr. Jagabandhu Ray
Mr. Zia-Ul-Haque*

...for the respondent nos. 13, 14 & 16 to 23.

1. The petitioners complain of inaction on the part of the respondents/State authorities in taking steps against the private respondents for the private respondents having allegedly constructed shop rooms upon Government land.
2. The petitioners submit that due to such construction the petitioners' free ingress to and egress from the petitioners' land has been obstructed.
3. The private respondents are represented and they vehemently refute such contention of the petitioners. The private respondents submit that they have raised constructions on land whereof they are the owners.
4. In view of the nature of grievance raised and in view of the fact that the writ petition entails disputed questions of fact which cannot be decided on the basis of affidavit evidence, this Court is of the view that justice would be sub-served if the writ petitioners are relegated

to the Sub-Divisional Officer, Canning. The Sub-Divisional Officer, Canning who has been arrayed as the respondent no. 8 in the writ petition shall consider and dispose of the writ petitioners' representation dated April 14, 2019, (a copy whereof has been annexed at page no. 44 of the writ petition) within a period of four weeks from the date of communication of this order, after issuing prior notice to the writ petitioners as well as the private respondents and upon affording an opportunity of hearing to the writ petitioners as well as the private respondents.

5. Needless to mention that the respondent no. 8 shall dispose of the said representation by passing a reasoned order and the said respondent shall communicate such reasoned order to all parties within a week from the date of passing thereof.

6. It is clarified that although the representation dated April 14, 2019 has not been addressed to the respondent no. 8 yet, this court is of the view that the respondent no. 8 would be the appropriate authority to decide the issue as regards raising of construction on Government land. It is recorded that in terms of an earlier order dated July 15, 2019 the Block Land and Land Reforms Officer, Basanti, South 24 Parganas had filed a report before this Court vide Memo No. 02/438/BL & LRO, Basanti/19 dated July 18, 2019. The respondent no. 8 shall be free to call for further appropriate report from the said Block Land and Land Reforms Officer for the

purpose of taking such decision and the said respondent no. 8 shall also take into consideration the earlier report dated July 18, 2019 filed by the Block Land and Land Reforms Officer, Basanti as aforesaid. In case it is found that the allegation made by the writ petitioners is true, the respondent no. 8 shall forthwith take appropriate steps against the wrong doers in accordance with law.

7. It is made clear that this Court has not gone into the merits of the case and all parties will be free to take all points available to them.

8. With the aforementioned observations, the instant writ petition being **WPA 11834 of 2019** is hereby disposed of.

9. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Om Narayan Rai, J.)