

WPA 16466 of 2024

Sk. Mojammel & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Robiul Islam
Mr. Sk. Jayed Hossain
....for the petitioners

Mr. K.J. Yusuf
Ms. Munmun Ganguly
....for the State respondents

Affidavit of service filed on behalf of the petitioners is taken on record.

Despite service, no one appears on behalf of the private respondents.

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

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are aggrieved by private respondents making illegal construction over the Government land. The petitioner accordingly filed a representation before the Sub-Divisional Officer and the District Magistrate on 22.05.2024, but no action has been taken over the same.

Learned counsel appearing on behalf of the State denies the allegations, relies on the report and submits as follows. The structures alleged are merely

temporary ones built by some extremely poor people, albeit on Government land. Enquiry revealed that the petitioners have not converted their land in question which is cultivation land into “vastu”. Therefore, there is no question of requirement of any passage.

It appears that a representation is pending before the concerned DM and the SDO.

Let the DM consider the representation of the petitioner dated 22.05.2024 in accordance with law and upon hearing the interested parties as expeditiously as possible, preferably within a period of eight weeks from the date of communication of this order.

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

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

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.)