

16-04-2025
Item No.20
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.17382 of 2024
Sri Nanda Gopal Dey & Ors.

-vs-

The State of West Bengal & Ors.

Mr. Manoranjan Jana
Ms. Mitali Jana ...for the petitioners

Mr. Partha Ghosh
Mr. Amal Kumar Datta
Ms. Simran Surerka
Mr. Debashis Das
Mr. Bratin Swein ...for respondents no.8-12

1. The petitioners allege that the respondents are not taking any steps in response to the complaint lodged by the petitioners against unauthorized encroachment made over the public land.
2. Learned counsel for the private respondent nos.8-12 submits, upon instructions, that his clients have been occupying the subject land for more than fifty years. According to him, the land in question does not belong to the Government (PWD).
3. It has been submitted that an application has been made by the private respondents for regularization of the land which they are occupying.
4. None represents the State despite service of notice. Affidavit of service and notice of upgradation upon learned counsel for the State are taken on record.
5. Prior to directing the respondents to take steps

for removal of encroachment from the Government land, the authority ought to be satisfied that the subject land is a public land.

6. To ascertain as to whether the subject land belongs to the Government or any of the departments of the Government, the Executive Engineer, Tamluk Highway Division, Public Works Directorate (Roads) is directed to conduct a spot inspection in the presence of the Sub-Divisional Officer, Contai.
7. The assistance of the concerned BL&LRO may also be taken to ascertain the status of the subject land.
8. Notice of spot inspection shall be given to the petitioners and the private respondents and all other necessary parties.
9. If, on inspection, it reveals that the land is a public land, necessary steps shall be taken for removal of the unauthorized encroachers in accordance with law.
10. An opportunity of hearing shall be granted to all the necessary parties for production of all documents in support of their respective stand.
11. Steps shall be taken in the matter at the earliest but positively within a period of twelve weeks from the date of communication of this order.
12. The petitioners are directed to forward a copy of the representation dated May 6, 2024 to the aforesaid respondent at the time of communicating this order.
13. The writ petition is disposed of.
14. All parties are to act on the server copy of this order duly downloaded from the official website of this court.

15. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]