

11 13-01-2025
AKG
Ct. 15

**WPA 20190 of 2024
With
CAN 1 of 2024
Sri Rajendra Lal Saha
Vs.
The State of West Bengal & Ors.**

Mr. Sanjib Kumar Mukhopadhyay, Mr. Timir Kanti Biswas, Ms. Nargish Parveen	...for the Petitioner
Mr. Rajib Mukherjee, Ms. Shreyasi Bhaduri	...for the Municipality
Mr. Rabindranath Pal, Ms. Susmita Biswas	...for the State

The petitioner asserts ownership of the L.R. Plot No. 1158, Mouza-Sthirpara, Khatian No. 251 and by virtue of a registered sale deed dated March 11, 2016. The petitioner expresses concern that Bhatpara Municipality, in connection with an eviction initiative for hawkers, intends to evict him from the property.

The report filed by the Municipality suggests that the petitioner, despite a notice, did not attend a hearing before the Municipality and he failed to produce any document in support of his title over the relevant plot.

The report of the Municipality is totally silent on the registered deed appearing at page 23 of the writ petition.

The report of the Municipality does not suggest that the

land in question was ever acquired through a legal process.

The report also does not suggest that there has been any encroachment by the petitioner on the municipal road.

In that view of the matter, this writ petition is disposed of giving an opportunity to the petitioner to produce his title before the Chairman, Bhatpara Municipality on February 10, 2024, at 2 p.m.

Needless to mention that if the Municipality after hearing the petitioner finds that the title deed of the petitioner is a genuine one, it shall not evict the petitioner from the land in question.

However should there be any doubt with regard to the title of the petitioner or if it is found that the petitioner has encroached any part of the public road, the Municipality will be at liberty to pass a reasoned order and communicate the same to the petitioner within two months from the date of communication of this order.

Accordingly, **WPA 20190 of 2024** along with **CAN 1/2024** is disposed of.

Urgent certified *website* copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)