

March 28, 2025
AD 30
Ct. 17
SG

WPA 25606 of 2024

Moniruddin Shaikh and others
vs.
The State of West Bengal and others

Mr. Probal Kumar Mukherjee, Sr. Adv.
Ms. Shebatee Datta
... for the petitioners

Mr. Nilotpal Chatterjee
Mr. Tanoy Chakraborty
... for the State

Mr. Lalratan Mandal
Mr. Probal Sarkar
Ms. Sk. Kiran
... for the respdt. No.30

It appears that an inadvertent typographical error had crept into the order passed by this Court on 17.03.2025.

At the heading of the said order sheet, the name of Mr. Nilotpal Chatterjee, learned counsel, has been wrongly recorded as having appeared on behalf of the WBNC. On that date Mr. Chatterjee, learned counsel, actually appeared on behalf of the State.

The inadvertent typographical error is hereby corrected and the said order dated 17.03.2025 shall always be read conjointly with this order.

Exception filed on behalf of the respondent No.30 to the report of the State is taken on record.

Learned senior counsel representing the petitioners submits that the private respondents had come up with unauthorised construction over public land. This was

objected to by the petitioners, but no steps were taken for removal of the same. Lastly, the petitioners submitted a representation in this regard on 13.09.2024 before the concerned authorities seeking action in terms of the West Bengal Public Land (Eviction of Unauthorised Occupants) Act, 1962. Yet, no action has been taken on that.

Learned counsel for the respondent No.30 denies the allegations and submits that the petitioners have themselves encroached upon Government land.

At this stage, learned senior counsel representing the petitioners submits that in the event any temporary or other structure has been made by the petitioners on government land, the same would be voluntarily removed by them.

Learned counsel for the State relies on the report filed earlier and submits that the land in question is, indeed, government land.

In view of the above, let the Sub-Divisional Officer, Domkal consider the petitioners' representation dated 13.09.2024 in accordance with law upon considering the report filed by the State in this regard and upon hearing all the interested parties as expeditiously as possible, preferably within eight weeks from the date of communication of this order.

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

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order, if applied for, be made available to the parties upon compliance of all requisite formalities.

(Jay Sengupta, J.)