

24
08.04.2025
Ct. No. 551
Jayanta

WPA 27351 of 2024

Sukrana Khondekar
vs.
State of West Bengal & Ors.

Sk. Hossain Ali

....For the Petitioner.

Mr. Vijay Agarwal

....For the State.

The learned advocate appearing for the petitioner hands up a letter dated November 13, 2024 along with postal receipts evincing that a copy of the writ petition has been dispatched to the respondent no. 2, 3, 4 and 6.

The said letter along with the postal receipt is taken on record. However, nothing has been filed showing service on any of the said respondents.

Mr. Vijay Agarwal, learned advocate appears for the State respondents.

The writ petitioner is aggrieved by the inaction on the part of the respondent authorities in taking steps against the respondent no. 6 who has been allegedly encroaching upon the petitioner's land for the purpose of installing a submersible pump. The petitioner submits that the petitioner is the owner of Dag no. 696 Mouza-Chichinga and that the respondent no. 6 has been forcibly encroaching upon a portion of the

petitioner's land for the purpose of installation of a submersible pump.

The learned advocate appearing for the State respondents refutes the submission made on behalf of the petitioner and submits that the petitioner is not the sole owner of the land comprised in Dag No. 696 Mouza-Chichinga and that despite several opportunities having been granted by the Block Development Officer to the petitioner for hearing, the petitioner has not turned up for the hearing.

The learned advocate for the petitioner, however, disputes the submission made on behalf of the State.

Upon hearing the learned advocates appearing for the parties and having perused the materials on record it appears that the question as to whether the petitioner is the sole owner of Dag No. 696, Mouza Chichinga or not lies in the domain of disputed question of facts and the same cannot be gone into or decided in a writ proceeding under Article 226 of the Constitution of India.

However, since the petitioner has made a representation before the Block Development Officer, Indas and as it has been submitted by the learned advocate appearing for the State that the said Block Development Officer had on prior occasions attempted to resolve the issues upon hearing the petitioner, justice would be subserved if the writ petition is disposed of by directing the Block Development Officer,

Indas to consider the petitioner's representation dated 09.09.2024 (at page 15 of the writ petition) and dispose of the same upon hearing the petitioner and the respondent No. 6 after fixing a date therefor upon prior notice to the petitioner and the Respondent no. 6. The parties shall be at liberty to raise all points before the said Block Development Officer and the said Block Development Officer shall pass a reasoned order upon consideration of the material before him in accordance with law. Such reasoned order shall be communicated to the parties within a week from passing thereof. The entire exercise shall be completed within a period of four weeks from the date of communication of this order.

With the aforesaid observation, WPA 27351 of 2024 stands disposed of. No costs.

(Om Narayan Rai, J.)