

28.02.2025
Item No.21
Ct. No. 30
Aloke

WPA 26304 of 2016

Swapan Kumar Goswami
Vs
The State of West Bengal & Ors.

Mr. Mukunda Lal Sarkar
... for the petitioner

Mr. Ziaul Islam
... for the State respondents

The present writ application of the year 2016 has been preferred praying for direction upon the respondent nos. 5,6,7 and 8 to demolish the cast concrete road and also remove the concrete materials from the petitioner's raiyati land being plot no. 302, khatian no. 39, under mouza-71 no. Koutuknagar, measuring about more or less 8' x 80', P.S. Hanskhali in the District of Nadia.

A report filed by the Special Officer is on record.

It is submitted by the petitioner that plot no. 302 belongs to him. A copy of a title deed has been placed in support of his contention including record of rights.

It is now submitted by the learned counsel for the petitioner that the portion marked in yellow in the map attached to the Special Officer's report is the portion which has been encroached by the local

Panchayat. It appears from the map that the said portion has been marked as “Panchayat rasta”.

It is submitted by the learned counsel for the petitioner that in spite of there being a road, the respondents have encroached upon the petitioner’s land which is plot no. 302 and, as such, he has prayed for necessary direction upon the said authorities.

Considering the materials on record, the writ application is disposed of with the liberty given to the petitioner herein to make a representation, if not already made earlier with the relief prayed for in the writ application before the concerned BL & LRO.

The concerned BL & LRO is directed to consider the representation of the petitioner according to the records available with the department and on hearing all the parties including the Prodhan of the Panchayat or his representatives, decide the grievance of the petitioner within 60 days from the date of filing of the representation, on hearing all the stake holders.

In case it is found that the property of the petitioner has been encroached as alleged by him, then the local Panchayat Prodhan shall take necessary action in accordance with law expeditiously.

WPA 26304 of 2016 is accordingly disposed of.

There will be no order as to costs.

All connected applications, if any, stand disposed of.

Interim order, if any, stands vacated.

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

(Shampa Dutt (Paul), J.)