

16.01.2025
Item No.10
gd/ssd

WPA(P)/476/2024
36 NO. MONDALERLAT'S VILLAGERS
REPRESENTED BY SUSHANTA SARDAR
VS
THE STATE OF WEST BENGAL AND ORS.

Mr. Debabrata Sardar,
Mr. Pradyot Kumar Roy,
Mr. Sandipan Paul
..for the Petitioner.

Mr. Amal Kumar Sen,
Ms. Ashima Das (Sil)
..for the State.

Mr. Mrinal Kanti Ghosh.
Mr. Chandra Nath Sarkar
..for the Respondent Nos.7 to 10.

1. By this public interest writ petition the petitioner alleges that the private respondents have illegally put up construction in a deity property and, therefore, they seek for demolition of the illegal construction.

2. Apart from that, they want a direction to remove the occupiers of the property and hand over the property to the local inhabitants/public.

3. The learned advocate appearing for the private respondents referring to the land records submitted that it is not a deity property and the classification is "Debosthan".

4. In any event this court cannot direct eviction of the occupiers or hand over the property to the public but, however, if there is any illegal construction made by the private respondents on any deity property or otherwise, it is well open to the Sub-Divisional Officer, Baruipur to look into the said grievance

5. Therefore, we dispose of the writ petition by directing the 2nd respondent, namely, the Sub-Divisional Officer, Baruipur to look into the grievance expressed by the petitioner and examine as to whether any illegal construction has been put in the property in question.

6. To facilitate compliance of this direction, the petitioner shall appear in person and submit a copy of the mass petition along with the copy of this order in the office of the 2nd respondent.

7. This direction be complied with within a period of 12 weeks from the date of receipt of the server copy of this order.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)