

22.01.2025
Item 40
Ct. 17
tbsr

WPA 30776 of 2024

Basudeb Barman
Vs.
State of West Bengal & Ors.

Mr. Salil Kumar Maiti
....for the petitioner

Ms. Jayeeta Sinha
Mr. Sandip Mandal
....for the State

Mr. Sujit Bhunia
Mr. Bhaskar Hutait
....for the respondent nos.9, 13 & 14

Report filed on behalf of the State is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the owner of a plot of land at Mouja Barada in Paschim Midnapore. The private respondents had come up with some illegal constructions on Government land immediately in front of the petitioner's property. This had blocked the ingress and egress to petitioner's property. Accordingly, the petitioner made a representation on 16.11.2024 before the concerned authorities including before the concerned SDO praying for action in terms of the provisions of West Bengal Public Land (Eviction of Unauthorized

Occupants) Act, 1962. But, the same has not been responded to as yet.

Learned counsel appearing on behalf of the State relies on the report of the Officer-in-Charge of Sabang Police Station and submits that police have taken necessary steps and a prosecution under Section 126 of the BNSS was submitted.

Learned counsel appearing on behalf of the private respondent nos. 9, 13 and 14 denies the allegations and submits as follows. The petitioner is not coming with clean hands. His construction is also on the land which is described as “jal”. He is also encroaching portion of government land in question.

It appears that representation of the petitioner dated 16.11.2024 is pending consideration before the respondent authorities including the concerned SDO.

In view of the same, let the respondent no. 3 consider the petitioner's representation dated 16.11.2024 in accordance with law and upon hearing the interested parties as expeditiously as possible, preferably within eight weeks from the date of communication of this order.

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

As affidavits were not called for, the allegations made in the writ petition are deemed not to have been admitted.

With these observations, the writ petition is disposed of.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance.

(Jay Sengupta, J.)