

Item.18

26.03.2025
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Ct. 17

WPA 30747 of 2024

Nitai Chand Das
-vs-
The State of West Bengal & others.

Ms. Salma Sultana
Mr. Sani Hossain
...for the petitioner

Ms. Anjusri Mukherjee
Mr. Ashok Kr. Sarkar
...for the State

Affidavit of service filed on behalf of the petitioner is taken on record.

Despite service, no one appears on behalf of the private respondents.

Learned counsel appearing on behalf of the petitioner submits as follows. Upon instructions, it is submitted that the respondent no.8 has passed away in the meantime. The private respondents had come up with illegal construction on public land which was obstructing the ingress and egress to the petitioner's property. Accordingly, the petitioner made a representation before the concerned authorities which was not considered. By an order dated 13.12.2021 passed by a Co-ordinate Bench of this Court in WPA 17267 of 2021, the concerned respondent was directed to consider the

petitioner's earlier representation dated 08.01.2021. Accordingly, the concerned respondent authorities partly allowed the petitioner's prayer and removed illegal encroachment done by the private respondents on government land. However, soon thereafter, the private respondents re-encroached upon such government land. This was brought to the notice of the concerned Sub Divisional Officer, Kakdwip by a representation dated 05.12.2024. But, the same has not been responded to as yet.

Learned counsel appearing on behalf of the State submits that in the event a representation is pending consideration, the same would be decided in accordance with law.

In view of the above, let the SDO, Kakdwip decide the representation of the petitioner dated 05.12.2024 in accordance with law and upon hearing all the interested parties as expeditiously as possible, preferably within a period of eight weeks from the date of communication of this order.

In the event, there has been a recurring encroachment by any party on government land, appropriate measures shall be taken by the concerned authorities.

It is, however, made clear 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 be

supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)