

13.02.2025
Item No.23
PG/KS
Ct. No.1

W.P.A.(P) 530 of 2024

**Ashutosh Mandal
Versus
The State of West Bengal & Ors.**

Mr. Debajyoti Deb
Mr. Tamal Ghosh
Mr. S. Parekh
Mr. A. Sarkar

.....For the Petitioner

Mr. Anirban Ray, Ld. G.P.
Mr. Sk. Md. Galib, Sr. Adv.
Ms. Sujata Mukherjee

.....For the State

Mr. Saikat Chatterjee
Mr. Partha Pratim Sinha

.....For the Respondent Nos.11 to 17

1. In this public interest litigation, the petitioner alleges that the private respondents have blocked a village pathway in R.S. Dag No.2161 and 1738 of Uttar Sonakhali Village. There is another allegation that the private respondents are illegally conducting prawn farming over a drainage canal.
2. In this regard, representations were given and since, no action was initiated, the petitioner has filed the present writ petition.
3. Learned Government counsel has produced the written instruction given by the Block Land & Land Reforms Officer, Basanti, South 24 Parganas wherein it has been stated as follows:-

“2. As per the Computerised Land Record and KB Plot Index, the suit plot is 1838/2161 not 2161 or 1738 (as per the contention of the appellant) and the said plot is fully vested to

the State and recorded in Collectors Khatian no1 having 0.40 acres of land. The adjacent plot 1840 and plot no 1841 is also vested to the state. Appurtenant to that in the Plot 1841, patta settlement has been made in favour of Tulsi Naskar, Rabindra Naskar and Sunil Naskar which is further corroborated from the Patta Register no XII. Plot no 1838, the plot adjacent to the suit plot is recorded in favour of various persons in CLR.

Also Plot no 1738 is partly vested (having patta settlement) and partly recorded in favour of various persons in CLR at present. (Annexure A is favour of various persons in CLR at present. (Annexure A is the CLR PI of Plots 1738, 1838/2161, 1838, 1840, 1841. Annexure B is the KB Plot Index, Annexure C is the Patta Register XII)

3. As per the primary contention of the appellant in the instant matter, regarding encroachment in the Government land, it can be stated from information available from Revenue Inspector and local people that encroachment to some extent is observed in the suit plot.”

4. Thus, it appears that there is a variation in the plot numbers and apart from that the report also states that there is encroachment to some extent observed in the suit plot.
5. Learned advocate appearing for the private respondents submits that a suit is pending between the parties and there is also other matters pending before the Tribunal.
6. However, in the light of the report submitted by the B.L. & L.R.O., we direct the said authority to conduct an enquiry into the matter after notice to the petitioner and the private respondents and after conducting a fresh inspection in the presence of the parties and proceed to take action in accordance with law as expeditiously as possible.

7. With these above observations/directions, writ petition stands disposed of.
8. No costs.
9. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T.S SIVAGNANAM)
CHIEF JUSTICE

(BIVAS PATTANAYAK, J.)