

**WPA 2833 of 2019**

Mr. Debasish Kundu, Sr. Adv.  
Mr. R. N. Barik ...for the petitioners.

Md. T. M. Siddiqui  
Mr. Amrita Lal Chatterjee  
...for the respondent No.4.

Mr. Chandi Charan De  
Mr. A. Sarkar  
Ms. S. Bhattacharya ...for the State.

Mr. Anjan Sengupta ...Special Officer.

Heard learned counsels for the parties.

It is not in dispute that C.S. Plot Nos.126 and 127 in Mouza-Shibpur, P.S. Regent Park, district-South 24 Parganas, which the petitioners claim to be recorded owners, has not been acquired.

The petitioners complain that despite such fact, the 4<sup>th</sup> respondent is trying to encroach upon a portion of the vacant land belonging to the petitioners without acquiring the same, for the purpose of construction of a building of the 4<sup>th</sup> respondent.

Learned counsel for the petitioners seeks demarcation of the plots in question in order to ascertain whether the alleged construction is being raised on any portion of the petitioners' plots.

Per contra, learned counsel for the respondents submits that certain plots in Shibpur Mouza were

acquired by the said respondents sometime in 1948-49 and no portion of the petitioners' land has either been acquired or utilized by the respondents.

It is evident from the record that the petitioners claim to be owners of the portion of land allegedly encroached upon by the 4<sup>th</sup> respondent whereas the 4<sup>th</sup> respondent says that no portion of the petitioners' land has been utilized/encroached upon.

In such view of the matter, let there be a joint inspection and survey of the plots in question, being CS Plot Nos.126 and 127 of Mouza-Shibpur, by the government amin in presence of both the parties/their authorised representatives in order to ascertain whether the plots in question have been utilized or encroached upon.

The respondents shall be at liberty to take assistance of the Kolkata Municipal Corporation or any other authority they may deem fit for the purpose.

The entire exercise should be completed within a period of two months from the date of communication of this order.

Report of such survey/joint inspection be submitted on the adjourned date.

Let the matter appear under the same heading in the monthly list of March, 2023.

**(Suvra Ghosh, J.)**