



02.12.2021
Sl. No.28
srm

W.P.A. No. 12387 of 2021

Sri Debabrata Bera

Vs.

The State of West Bengal & Ors.

Mr. Satyendra Agarwal,
Mr. Tarak Nath Sarkar

...for the Petitioner.

Mr. Sudeep Sanyal,
Mr. Snehasis Jana,
Mr. Sukanta Das,
Ms. Tutun Das

...for the Respondent Nos.11, 12, 13 & 16.

Mr. Malay Krishna De,
Mr. Prabir Kumar Ray

...for the State-respondents.

Affidavit of service is taken on record.

The allegations of the petitioner are that the respondent Nos.11 to 16 have been constructing illegally and without any sanction plan on a portion of Dag No.155/490, Khatian No.579, J.L. No.42, Mouza Shitakundu, District Paschim Medinipur. The petitioner claims to be the owner of a portion of the said land.

Mr. Sanyal, learned Advocate appearing on behalf of the respondent Nos.11, 12, 13 and 16, who are the local villagers, submits that they have not indulged in any illegal construction. According to Mr. Sanyal, there is a Kali temple on the portion of the land with regard to which the allegations



have been made. The said land does not belong to the petitioner and the local villagers had constructed the temple long time ago even before the petitioner came into possession of the adjoining land.

As the panchayat authorities are not represented, this Court is not in a position to proceed further in the matter without a report from the authorities.

Under such circumstances, the Block Land and Land Reforms Officer, Daspur-I, Paschim Medinipur, shall file a report upon making an inspection and demarcation of the property in question with the help of Amin, so that it can be ascertained as to whether any unauthorised construction has been made or not.

Let this matter appear on **January 3, 2022** when the Block Land and Land Reforms Officer shall file a report upon holding a joint inspection in the presence of the parties.

The parties are directed to complete their pleadings in the meantime.

(Shampa Sarkar, J.)