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Ct No.02
30.07.2024
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Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Jurisdiction

WPA No. 1391 of 2024

Nilam Lakra & ors.

-vs-

State of West Bengal & ors.

Ms. Suman Sehanabis

...for the petitioners

Mr. Bikramaditya Ghosh

Mr. Partha Chowdhury

Ms. Supriya Singh

..for the respondent nos. 2,3

Mr. Hirak Barman

Mr. Bikash Singh

...for the State

Learned counsel appearing on behalf of the petitioners submits that the petitioners are the recorded owners of the land in question. The Mal Municipality and some other authorities had encroached upon some portion of the land. Upon inquiry, they said that after the festive season is over, the issue will be dealt with.

Learned counsel appearing on behalf of the Mal Municipality denies the allegations and submits as follows. Earlier a member of the Scheduled Tribe

made a complaint about alleged encroachment on his land being Plot Nos. 1393 and 1395. The land was earlier recorded in the name of Kaikayee Mahali Garait. An inquiry was conducted. The BL & LRO filed a report before the DM. It appeared that a small portion of the land contained a PHE pump. A proceeding was initiated under the WBLR Act. An order was passed. The Municipality preferred an appeal, which is pending. In the meantime, the petitioners' appear to have somehow recorded their names in the records. They may implead themselves in the appeal and have the issue decided.

Let the Municipality file a report by way of an affidavit within a week from this date.

Exception, if any, be taken within a week thereafter.

List this matter for hearing after two weeks.

The question of maintainability of the writ petition is kept open.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)