

Sl No. 16
11.03.2022.
Ct No. 2

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

**WPA 451 of 2021
Shashadhar Das & Anr.
-versus
The State of West Bengal & Ors.**

Mr. Debayan Goswami
... for the petitioners.

Mr. Subir Kumar Saha (AGP)
Mr. Momenur Rahman
... for the State respondents.

The petitioners are aggrieved by the inaction on the part of the District Magistrate & Collector, Cooch Behar in not answering the legal notice issued on behalf of the petitioners on January 4, 2021 alleging illegal and unauthorized encroachment of the land of the petitioners.

The petitioners allege that the Plot Nos. 1174 and 1175 at Mouza-Gabua, Khatian No. 275, J.L. No. 21, P.S. – Sitai at District- Cooch Behar has been encroached by the respondents in the name of running a school under the name and style of Gabua Primary School.

The Court gave repeated opportunities to the respondents to come up with an affidavit as to whether

the land in question has actually been encroached upon by the respondents or not.

No report or affidavit is forthcoming from the respondents in spite of repeated directions.

As the State respondents are not providing the requisite instruction to the learned advocate, accordingly, the Court cannot decide the matter conclusively.

The writ petition is disposed of by directing the respondent no. 2 being the District Magistrate, Cooch Behar to consider the representation filed on behalf of the petitioners on January 4, 2021 strictly in accordance with law, at the earliest, but positively within a period of eight weeks from the date of communication of a copy of this order.

The said respondent shall pass a reasoned order and communicate the same to the petitioners immediately thereafter.

The petitioners are directed to forward a copy of the representation dated January 4, 2021 to the aforesaid respondent at the time of communicating the order of this Court.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)