

30.07.2024
Item No. 56
Crt.No.02
b.r.

WPA 558 of 2024

Bishnupada Mahapatra
-vs-
The State of West Bengal & Ors.

Mr. Amit Baran Dash
Ms. Ankana Sarkar
.... For the petitioner.

Ms. Sulagna Bhattacharya
Mr. Soumik Dey
.... For the State.

Affidavit of service filed in Court today, is taken on record.

Mr. Amit Baran Das, learned advocate appears for the petitioner.

Ms. Sulagna Bhattacharya, learned State counsel appears for the respondent nos. 1 to 7.

The private respondent no.8 is not represented, despite notice. The law presumes he does not intend to defend this writ petition.

The petitioner complains of an alleged unauthorized and illegal encroachment on the public land at the behest of the private respondent.

The petitioner submitted its representation dated **December 18, 2023**, *inter alia*, before the **respondent no.3, annexure P-3 at page-20** to the writ petition but the same has not yet been considered.

In view of the above, the respondent no.3 is directed upon notice to the petitioner and the private respondent to cause a physical inspection of the alleged encroachment then after giving an opportunity of hearing to them shall decide the said representation dated **December 18, 2023** by passing a reasoned order in accordance with law.

The entire exercise as directed above shall be carried out and completed by the **respondent no.3** positively within a period of **six weeks** from the date of communication of this order. The **respondent no.3** then shall communicate its reasoned order to the petitioner and the private respondent positively within a further period of **two weeks** from the date of the said reasoned order to be passed.

It is made clear that this Court has not gone into the merits of the claim of the petitioner and the petitioner and the private respondent shall be at liberty to urge whatever points they wish to urge by relying upon whatever records and documents they wish to rely upon before the respondent no.3 but the same shall not travel beyond the scope of the said representation dated December 18, 2023, as referred to above.

In the event, the reasoned order confirms the said alleged encroachment on the public land then the respondent no.3 immediately within a period of **seven**

days from communication of the said reasoned order to the parties shall refer the matter before the respondent no.5.

The respondent no.5 then shall take all necessary and consequential steps to give an immediate effect to the said reasoned order expeditiously without any delay.

In the event any assistance is sought for by the respondent no.5 from the respondent no.6, such assistance shall immediate be provided by the respondent no.6 to respondent no.5 to give effect to the said reasoned order.

It is made clear that this order shall not create any equity or right in favour of the petitioner if the petitioner is not eligible to succeed to its claim in terms of its said representation dated December 18, 2023 strictly in accordance with law.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions, this writ petition, **WPA 558 of 2024** stands **disposed of**, without any order as to costs.

(Aniruddha Roy, J.)