

30.07.2024
Item No. 57
Crt.No.02
b.r.

WPA 573 of 2024

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

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

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

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

None appears for the State-respondent including the private respondent no.9 despite notice. The law presumes they do not intend to defend this writ petition.

The petitioner complains of an alleged unauthorized encroachment/construction on a piece of public land at the behest of the private respondent.

The petitioner submitted its representation dated **December 19, 2023, annexure P-5 at page-25** to the writ petition before the State authorities but the same has not yet been considered.

In view of the above, the respondent no.4 is directed upon prior notice to the petitioner and the private respondent to cause a physical inspection of the alleged encroachment of the public land and then after giving them an opportunity of hearing shall decide the

said representation dated **December 19, 2023**, as referred to above, 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.4** positively within a period of **six weeks** from the date of communication of this order. The **respondent no.4** then shall communicate the reasoned order to the petitioner and the private respondent within a further period of **two weeks** from the date of the said reasoned order to be passed.

This Court has not gone into the merits of the claim of the petitioner and the petitioner and the private respondents 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.4 but the same shall not travel beyond the scope of the said representation dated December 19, 2023.

In the event, the reasoned order confirms the unauthorised encroachment on the public land then the respondent no.4 shall take all necessary and consequential steps in accordance with law to give an immediate effect to the said reasoned order. In the event any assistance is sought for by the respondent no.4 from the respondent no.8, such assistance shall be immediately provided by the respondent no.8.

It is made clear that this order shall not create any equity or right in favour of the petitioner, in the event the petitioner is not eligible to receive his claim in terms of its representation dated **December 19, 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 573 of 2024** stands **disposed of**, without any order as to costs.

(Aniruddha Roy, J.)