

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

30 11.11.2024
Sc Ct. no.2

WPA 2176 OF 2024

Asit Kumar Khanra

Vs.

The State of West Bengal & Ors.

Mr. Krishna Das Poddar

.....For the Petitioner

Mr. Chandi Charan De, Addl. Govt. Pleader

Mr. Ayan Banerjee

Mr. Anirban Sarkar.

.....For the Respondent
Nos. 1 to 4

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

Mr. Krishna Das Poddar, learned counsel appears for the petitioner.

Mr. Chandi Charan De, learned Additional Government Pleader with Mr. Ayan Banerjee, learned State counsel appears for the respondent nos. 1 to 4.

The respondent no. 5 is not represented, despite notice.

The petitioner complains of that, the concerned panchayat has constructed a public road through the land of the petitioner and upon encroachment thereof. No acquisition proceeding has ever been initiated though the land of the petitioner has been utilised. The petitioner claims compensation.

Referring to a communication dated **June 9, 2023, Annexure-P5 at page 26** to the writ petition learned advocate for the petitioner submits that, already pursuant to the direction of the jurisdictional BL&LRO, the concerned revenue inspector has inspected the land and submitted a report confirming the encroachment of the petitioner's land.

In view of the above, the respondent no.3 upon issuing a prior hearing notice to the petitioner and after granting him an opportunity of hearing shall dispose of the claim for compensation of the petitioner 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 the reasoned order to the petitioner positively within a **further** period of **two weeks** from the date of the said reasoned order to be passed.

Depending upon the reasoned order, the respondent no.3 and/or any other appropriate authority shall take all necessary and consequential steps to give an immediate effect to the said reasoned order but positively within a period of **three months** 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

shall be at liberty to urge whatever points he wishes to urge in support of his claim by relying upon whatever records and documents he wishes to reply upon before the respondent no.3.

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

With the above observations and directions, this writ petition, **WPA 2176 of 2024** stands ***disposed of***, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)