

01.08.2024

Sl.No. 22
Ct.No. 2
Amalranjan

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

WPA 2528 of 2024

Bablu Mondal
Vs.
The State of West Bengal & Ors.

Mr. Dyutiman Banerjee
Ms. Pinki Saha
...for the petitioner

Mr. Salil Kumart Maiti
Ms. Dolan Samanta
...for the respondent no. 6

Mr. Soumitra Bandyopadhyay
Mr. Priyabrata Batabyal
...for the State respondent nos. 1-5

Affidavit of service filed in court today is
taken on record.

Mr. Dyutiman Banerjee, learned counsel
appearing for the petitioner.

Mr. Salil Kumar Maiti, learned counsel
appearing for the respondent no. 6.

Mr. Soumitra Bandyopadhyay, learned
counsel appearing for the State respondent nos.
1-5.

The private respondent nos. 7-19 are not
represented despite service, the law presumes
they do not intend to defend this writ petition.

The petitioner complains of alleged
encroachment and unauthorised occupation of

the land of the Haldia Development Authority (for short HDA), which is a public land at the behest of the private respondents.

The petitioner submitted its representation dated December 30, 2023, inter alia, before the Haldia Development Authority (for short HDA) annexure P-4 at page 31 to the writ petition. The representation has not been considered.

After considering the submissions made on behalf of the parties and upon perusal of the materials on record, the respondent no. 6 is directed upon issuing prior hearing notice to the petitioner and the private respondents to cause a physical inspection of the alleged unauthorised occupation and encroachment on the subject piece of land after granting them an opportunity of hearing to the petitioner and the private respondents. If the respondent no. 6 is of the finding with reasons to its satisfaction that there is an unauthorised occupation and encroachment on the land, the respondent no. 6 shall communicate the same in writing with reasons to the petitioner and the private respondents and then shall refer the matter before the respondent no. 3.

The entire exercise as directed above shall be carried out and completed by the respondent

no. 6 positively within a period of 8 weeks from the date of communication of this order.

In the event, the respondent no. 6 refers the matter before the respondent no. 3, the respondent no. 3 shall take all necessary and consequential steps to give immediate effect to the said reasoned finding of the respondent no. 6 in accordance with law and in compliance with the provisions under the West Bengal Public Land (Eviction of Unauthorised Occupants) Act, 1962 forthwith and shall give to its logical conclusion positively within a period of 8 weeks from the date of reference to be made by the respondent no. 6.

It is made clear that this court has not gone into the merits of the claim of the petitioner.

It is made clear that this order shall not create any right and equity in favour of the petitioner or the private respondents, if they do not succeed to their respective contentions 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 2528 of 2024** stands disposed of, without any order as to costs.

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Aniruddha Roy,J.)