

02.08.2024
Ct. No. 2
Sl. No. 17
tbsr

WPA 6039 of 2024

Salil Kumar Maiti
Vs.
The State of West Bengal & Ors.

Mr. Dhyutiman Banerjee
....for the petitioner

Mr. Chandi Charan De
Mr. Haripada Maity
Mr. Anirban Sarkar
....for the State

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

Mr. Dhyutiman Banerjee, learned advocate appears for the petitioner.

Mr. Chandi Charan De, learned Additional Government Pleader appears for the respondent nos. 1 to 8.

None appears for the private respondent no. 9, despite notice. The law presumes that he does not intend to oppose this writ petition.

Referring to the order and finding of the respondent no. 3 dated **March 22, 2023 at page 36** to the writ petition, learned counsel for the petitioner submits that, a clear finding had been arrived at that there has been an encroachment at the behest of the private respondent no. 9 on plot no. 1200 which is a government land. The reasoned decision further

shows that, the respondent no. 4 was directed to take necessary steps to remove the encroachment from the government land in question following due process of law.

Learned counsel submits that, though the direction was passed way back on March 22, 2023, the respondent no. 1 has failed to discharge his duties by not carrying out the direction for removal of encroachment.

The petitioner further submits that, the private respondent no. 9 has not filed any appeal under **Section 7 of the West Bengal Public Land (Eviction of Unauthorized Occupants) Act, 1962** and the statutory period for preferring the appeal stood expired.

In view of the above, the respondent no. 4 shall take all necessary and consequential steps for removal of encroachment in accordance with the provisions laid down under the said 1962 Act and following the due process of law.

The respondent no. 4 shall carry out and complete the entire exercise positively within a period of **eight weeks** from the date of communication of this order. In the event, any police assistance is sought for by the respondent no. 4, the respondent no. 6 shall

provide all necessary assistance to the respondent no. 4 for removal of the encroachment.

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 6039 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.)