

Court No. 2
05.11.2024
(Item No. ML-47)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 9104 of 2024

Md. Meser Ali & Ors.

VS

The State of West Bengal & Ors.

Mr. Mobaidur Hossain

.... For the petitioners

Mr. Soumitra Bandyopadhyay

Mr. Priyabrata Batabyal

.... For the State respondents

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

Mr. Mobaidur Hossain, learned advocate appears for the petitioners.

Mr. Soumitra Bandyopadhyay, learned advocate appears for the State respondents.

Private respondents are not represented, despite notice.

Referring to **annexure P-6** at **page 39** to the writ petition learned counsel for the petitioners submits that, the jurisdictional Assistant Engineer, P.W.D. by its communication dated **August 14, 2023** has referred the matter before the jurisdictional Sub-divisional Officer after finding the encroachment on P.W.D. land at the behest of the private respondents. Since then no step has been taken by the Sub-divisional Officer.

In view of the above, after issuing a prior hearing notice to the petitioners and the private respondents the jurisdictional Sub-divisional Officer

shall conclude the proceeding in accordance with law and shall take all necessary and consequential steps in accordance with law positively within a period of **eight weeks** from the date of communication of this order. The petitioners shall also serve a copy of today's order upon the private respondents and shall place the proof of service before the Sub-divisional Officer. In the event, any assistance is required, the Sub-divisional Officer shall take such assistance from the jurisdictional Assistant Engineer P.W.D.

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 **W.P.A. 9104 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.)