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03.10.2024
BP
Ct. No. 2

W.P.A 9734 of 2024

**Santanu Panda & Anr.
-versus
The State of West Bengal & Ors.**

**Mr. Sankar Prasad Dalapati
Mr. Sourav Mondal
...for the Petitioners**

**Mr. Soumitra Bandyopadhyay
Mr. Priyabrata Batabyal
..for the State**

**Mr. Anindya Sundar Das
Mr. Shaunak Ghosh
Ms. Paromita Mondal
..for the respondent
Nos. 8 to 11**

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

Mr. Sankar Prasad Dalapati, learned counsel appears for the petitioner.

Mr. Priyabrata Batabyal, learned State counsel appears for the respondent nos. 1 to 7.

Mr. Shaunak Ghosh, learned counsel appears for the respondent nos. 8 to 11.

The petitioners complain of an unauthorised construction and encroachment on a public land at the behest of the private respondent nos. 8 to 11. The petitioners submitted a representation dated February 13,

2024 **at page 31** to the writ petition, the same has not been considered.

Mr. Shaunak Ghosh, learned counsel appearing for the private respondent nos. 8 to 11 submits that there has been no encroachment and there is no hindrance to the alleged egress and ingress of the petitioners.

After considering the submissions made on behalf of the parties and upon perusal of the materials on record, the respondent no.6 upon issuing notice to the petitioners and the private respondents shall cause a physical inspection of the alleged unauthorised construction and encroachment and then shall file a report. Copies of the report shall be served upon the petitioners, the private respondents and upon the respondent no.4.

This exercise shall be carried out and completed by the respondent no.6 positively within a period of **six weeks** from the date of communication of this order.

After receiving the report from the respondent no.6 the respondent no.4 then upon issuing a notice of hearing of at least seven days to the petitioners and the private respondents and after granting them an opportunity of hearing shall dispose of the said representation of the petitioners dated February 13, 2024 at page 31 to the writ petition, as referred to above, by passing a reasoned order in accordance with law.

The entire exercise shall be carried out and completed by the respondent no.4 positively within a period of **six weeks** from the date of receipt of the report from the respondent no.6 and the reasoned order shall be communicated to the petitioners and the private respondents positively within a further period of **one week** from the date of the reasoned order to be passed.

It is made clear that this Court has not gone into merits of the rival contentions of the petitioners and the private respondents and they 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 February 13, 2024 at page 31 to the writ petition.

In the event the reasoned order confirms encroachment on PWD land then the respondent no.4 shall take all consequential and necessary steps to give an immediate effect to the said reasoned order in accordance with law but positively within a period of **three weeks** from the date of the said reasoned order to be passed.

It is made clear that this order shall not create any right or equity in favour of the petitioners or in favour of the private respondents, if they do not succeed to their respective claims before the respondent no.4, 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.

The communications dated April 19, 2024 issued by the respondent no.4 to the respondent no.6 placed by the petitioners is kept on record.

With the above observations and directions, this writ petition, **WPA 9734 of 2024** stands disposed of, without any order as to costs.

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

(Aniruddha Roy, J.)