

02.08.2024
Item No. 18
Crt.No.02
b.r.

WPA 10011 of 2024

Sadhan Chandra Das
-vs-
The State of West Bengal & Ors.

Mr. Salil Kumar Maiti
Ms. Dolan Samanta
Mr. Pinaki Saha
..... for the petitioner.

Mr. Pannalal Bandyopadhyay
Ms. Mousumi Biswas
.... For the State-Resp. nos. 1 to 8.

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

Mr. Salil Kumar Maiti, learned advocate, appears for the petitioner.

Mr. Pannalal Bandyopadhyay, learned State advocate appears for the respondent nos. 1 to 8.

The private respondent nos. 9 to 15 are not represented, despite notice. The law presumes they do not intend to defend this writ petition.

The petitioner alleges unauthorized construction and encroachment over a public land at the behest of the private respondents. The petitioner submitted a representation dated **February 29, 2024**, *inter alia*, before the **respondent no.2, annexure p-2 at page-24** to the writ petition but the same has not been considered.

Learned State counsel submits that today is the date fixed for causing the physical inspection of the alleged encroachment by the **respondent no.4** upon due notice having been served on the petitioner and the private respondents.

In the event, the report of the physical inspection shows there is an encroachment on the public land then the **respondent no.2** after giving an opportunity of hearing to the petitioner and the private respondents shall consider the said representation of the petitioner dated **February 29, 2024**, 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.2** positively within a period of **six weeks** from the date of receiving the report of the physical inspection happening today. The reasoned order shall be communicated to the petitioner and the private respondents positively within a further period of **two weeks** 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. The petitioner and the private respondents 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.2** but the same shall not

travel beyond the scope of the said representation dated **February 29, 2024.**

In the event, the reasoned order confirms the encroachment on the public land, the **respondent no.2** shall forthwith take steps to give an immediate effect to the said reasoned order in accordance with the provisions of the **West Bengal Public Land (Eviction of Unauthorised Occupants) Act, 1962** positively within a period of **eight weeks** from the date of communication of the reasoned order to the petitioner and the private respondents.

It is made clear that this order shall not create any right or equity in favour of the petitioner, in the event the petitioner is not eligible to receive his claim 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 10011 of 2024** stands **disposed of**, without any order as to costs.

(Aniruddha Roy, J.)