

05.11.2024

Item No. A-51

Crt.02

b.r.

WPA 11879 of 2024

Munmun Bhakat Jana

-vs-

The State of West Bengal & Ors.

Mr. Lakshmi Nath Bhattacharya

Mr. Rajiv Kumar Acharyya

.... For the petitioner.

Mr. Supratim Dhar

Mr. Jameena Saha

.... For the State.

Md. Sabir Ahmed

Mr. Dhiman Banerjee

... for the private Resp. nos. 8 to 10.

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

Mr. Lakshimi Nath Bhattacharya, learned counsel appears for the petitioner.

Mr. Sabir Ahmed, learned counsel appears for the private respondent nos. 8 to 10.

Mr. Supratim Dhar, learned State counsel appears for the respondent nos. 1 to 7.

The self-same plot against which encroachment has been alleged by the petitioner on the PWD land was also the subject matter in WPA 11887 of 2024 though the petitioners were different. The said previous writ petition, WPA

11887 of 2024 has already been disposed of by this Court by an order dated August 8, 2024.

Pursuant to the direction made by this Court on August 8, 2024, the jurisdictional Block Land and Land Revenue Officer (B.L. & L.R.O.) has made a physical inspection of the alleged encroachment. Today, learned State Counsel has filed a bunch of papers containing the reports of the jurisdictional Executive Engineer, PWD dated June 20, 2024, the report of the B.L. & L.R.O. dated June 20, 2024, the report of the Assistant Engineer, Tamluk Highway Sub-Division dated May 10, 2024 and the report of the Revenue Inspector dated June 20, 2024 along with a copy of the record of right and a site map, the same are taken on record.

Copy of the said bunch of papers has also been made over to Mr. Lakshmi Nath Bhattacharyya, learned counsel appearing for the petitioner and also Mr. Sabir Ahmed, learned counsel appearing for the private respondents.

After considering the said reports, it appears that the B.L. & L.R.O. has also caused the necessary inspection of the self-same plot in connection with the instant writ petition being WPA 11879 of 2024 also. The reports show that there has been no obstruction on the egress and ingress

of the petitioner to its land. However, the reference is now pending before the jurisdictional Sub-Divisional Officer.

In view of the above, the jurisdictional Executive Engineer, PWD is also directed to take cognizance of the case made out in the instant writ petition, i.e., WPA 11879 of 2024 also. The petitioner in the instant writ petition shall also be served with a prior notice of hearing so that he can also participate in the hearing. This Court is informed by Mr. Sabir Ahmed, learned counsel appearing for the private respondents that this petitioner has already been participating in the proceeding before the jurisdictional Executive Engineer, PWD.

In the event, the jurisdictional Executive Engineer, PWD is also of the opinion that there is an encroachment on the subject land then reference shall also be made before the jurisdictional Sub-Divisional Officer who shall take all necessary and consequential steps to give an immediate effect to the decision of the jurisdictional Executive Engineer, PWD along with the reference to be placed before him in connection WPA 11887 of 2024.

It is needless to mention that while deciding the issue in this writ petition, the jurisdictional Sub-Divisional Officer shall also refer to the order dated August 8, 2024 passed in WPA 11887 of 2024.

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 11879 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.)