

08.08.2024

Item No. 34

Crt.No.02

b.r.

WPA 13199 of 2024

Sukumar Banerjee

-vs-

The State of West Bengal & Ors.

Mr. Mir Anwar

.... For the petitioner.

Mr. Soumitra Bandopadhyay

Mr. Subhasish Bandopadhyay

.... For the State-respondents.

Md. Sabir Ahmed

Mr. Tasnim Ahamed

Mr. Dhiman Banerjee

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

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

Mr. Mir Anwar, learned advocate, appears for the petitioner.

Mr. Soumitra Bandopadhyay, learned State counsel appears for the respondent nos. 1, 3 to 9. He submits that the respondent no.2 is not in existence at all.

The petitioner claims for demarcation of his land and to put a boundary wall accordingly. The petitioner submitted a representation dated **April 16, 2024** before the **respondent no.4** and the same has not been considered.

After considering the submissions made on behalf of the parties and upon perusal of the materials on

record, this Court directs the **respondent no.4** upon a prior notice to the petitioner to cause a physical inspection of the subject plot and then after granting the petitioner an opportunity of hearing and dispose of the said representation dated **April 16, 2024** by passing a reasoned order in accordance with law.

The entire exercise as directed above shall be carried out and completed by the **respondent no.4** positively within a period of **eight weeks** from the date of communication of this order. The reasoned order shall then be communicated to the petitioner positively within a further period of **one week** from the date of the said reasoned order to be passed.

If the petitioner succeeds to its contention then necessary demarcation of the plot shall be caused by the **respondent no.4** and/or any other appropriate authorities in accordance with law but positively within a period of **four weeks** from the date of the said reasoned order to be passed.

It is made clear that this Court has not gone into merits of the claim of the petitioner and the petitioner shall be at liberty to urge whatever points he wishes to urge by relying upon whatever records and documents he wishes to rely upon before the **respondent no.4**.

It is made clear that this order shall not create any right or equity in favour of the petitioner if the petitioner does not succeed to his case strictly in accordance with law.

In the event, the **respondent no.4** requests for assistance of the relevant land records, the **respondent no.6** shall be requested for such purpose, who shall render all necessary assistance to the **respondent no.4**.

It is needless to mention if any further assistance is required from the respondent no.6 to carry out the direction of this Court upon information received by the respondent no.6, he shall render all assistance.

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 13199 of 2024** stands **disposed of**, without any order as to costs.

(Aniruddha Roy, J.)