

Court No. 2

05.8.2024

(Item No. 4)

(AB)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction

Appellate Side

W.P.A. 13313 of 2024

Sri Gopal Chandra Dey & Anr.

VS

The State of West Bengal & Ors.

Mr. Sandip Ray

.... For the petitioners

Mr. Chandi Charan De

Mr. Anirban Sarkar

.... For the State

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

Mr. Sandip Ray, learned advocate appears for the petitioners.

Mr. Chandi Charan De, learned Additional Government Pleader appears for respondent Nos. 1 to 5.

The petitioners claimed ownership in respect of a piece of land and pray for demarcation of the land. The petitioners submitted that, despite repeated requisitions being made by and/or on behalf of the petitioners before the State authority to disclose the current status of the particular piece of land, no such information has been furnished.

Learned counsel for the petitioners submitted that, unless the actual present status of the land is ascertained, the process for demarcation cannot proceed. The petitioners submitted its representation

dated **April 22, 2024, annexure P-5** at **page 67** to the writ petition, inter alia, before the respondent No. 4 but the same has not been considered.

Considering the submissions made on behalf of the parties and upon perusal of the materials on record, the respondent No. 4 is directed upon issuing a prior notice of at least seven days to the petitioners and the other interested parties shall ascertain the current status of land whether it is acquired or not. In the event, it is found that, the land is still freehold and not vested with the State then such decision shall be informed to the petitioners and other interested parties, if any.

The entire exercise to this effect shall be carried out and completed by the respondent No. 4 positively within a period of **four weeks** from the date of communication of this order.

In the event, it is found that, the land stands vested and subject matter of any acquisition then upon giving prior notice to the petitioners and the other interested parties, if any, the respondent No. 4 after affording them an opportunity of hearing shall dispose of the said representation dated **April 22, 2024, annexure P-5** at **page 67** to the writ petition by passing a reasoned order in accordance with law.

In this situation, the entire exercise shall be carried out and completed by the respondent No. 4

upon causing necessary physical inspection of the land in presence of the petitioners and any other interested parties, if any, but positively within a period of **four weeks** from the date of communication of the decision of the respondent No. 4 to the petitioners and other interested parties to the above effect that the land is vested.

In both the situations the consequential steps shall be taken in accordance with law by the respondent No. 4 and any other appropriate State authority as expeditiously as possible.

It is made clear that, this Court has not gone into the merits of the claims or rival claims of the parties in any manner. The petitioners and other interested parties 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 **April 22, 2024.**

It is made clear that, this order shall not create any right or equity in favour of the petitioners, if the petitioners are not eligible to receive any 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 13313 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.)