

01.10.2024

Item No.17

Crt.No.02

b.r.

WPA 13931 of 2024

Sandip Das

-vs-

The State of West Bengal & Ors.

Mr. Panchanan Hajra

.... For the petitioner.

Mr. Soumitra Bandyopadhyay

Mr. Priyabrata Batabyal

Ms. Suchana Banerjee

.... For the State-respondents.

Mr. Niladri Sekhar Ghosh

Ms. Sampurna Chatterjee

Mr. Sourav Mondal

Ms. Labani Sikdar

... for the REsp. no.8.

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

Mr. Panchanan Hajra, learned advocate appears for the petitioner.

Mr. Priyabrata Batabyal, learned State advocate led by Mr. Soumitra Bandyopadhyay, learned State counsel appears for the respondent nos. 1 to 7.

Mr. Niladri Sekhar Ghosh, learned counsel appears for the private respondent no.8.

The private respondent no.9 is not represented, despite notice.

The petitioner complains of alleged unauthorized construction and encroachment over the PWD land at the behest of the private respondents. The petitioner submitted representation dated **April 8, 2024, annexure p-3 at page-25** to the writ petition but the same has not yet been considered.

Learned counsel for the private respondents submits that the land upon which the encroachment has been alleged is not the land of PWD.

In view of the above, the petitioner shall serve a copy of this writ petition along with a copy of today's order upon the jurisdictional Block Land and Land Reforms Officer (B.L & L.R.O).

The jurisdictional B.L. & L.R.O upon issuing a prior notice to the petitioner and the private respondents shall cause a physical inspection of the alleged encroachment and then shall prepare a report. He shall submit copies of the report to the petitioner, private respondents and the jurisdictional Assistant Engineer, PWD.

This exercise shall be carried out and completed by the B.L. & L.R.O. positively within a period of **six weeks** from the date of communication of this order.

The jurisdictional Assistant Engineer, PWD then upon issuing a prior hearing notice of at least **seven days** to the petitioner and the private **respondent nos. 8 and 9** and after granting them an opportunity of hearing shall dispose of the said representation dated **April 8, 2024**, as referred to above, by passing a reasoned order in accordance with law.

The entire exercise as directed herein shall be carried out and completed by the jurisdictional Assistant Engineer, PWD positively within a period of **six weeks** from the date of receiving the inspection report from the B.L. & L.R.O. The reasoned order shall be communicated to the petitioner, private respondents positively within a period of **two weeks** from the date of the said reasoned order to be passed.

In the event, the reasoned order confirms encroachment on the land then the appropriate authorities and/or State authorities, as the case may be, shall take all necessary and consequential steps as expeditiously as possible to give an immediate effect to the said reasoned order in accordance with law.

It is made clear that, this Court has not gone into the merits of the rival contentions of the

petitioner and the private respondents, they shall be at liberty to urge whatever points they wish to urge before the jurisdictional Assistant Engineer, PWD by relying upon whatever records and documents they wish to rely upon.

It is made clear that this order shall not create any right or equity in favour of the petitioner or the private respondents, if they do not succeed to their respective claims 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 13931 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.)