

02.12.2024
Ct. No. 2
M/L Sl. No. 7
Moumita

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA 14002 of 2024

M/s. S.K. Nath & Co. & Anr.
Vs
The State of West Bengal & Ors.

Mr. Soumya Mazumder, Ld. Senior Advocate
Mr. Apurba Kr. Ghosh
Mr. Rudranil Ghosh
...for the petitioners

Mr. Chandi Charan De, Ld. Addl. Govt. Pleader
Mr. Ayan Banerjee
Mr. Amritlal Chatterjee
...for the State/respondents

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

Mr. Soumya Mazumder, learned Senior Counsel appears for the petitioners.

Mr. Ayan Banerjee led by Mr. Chandi Charan De, learned Additional Government Pleader appears for respondent nos. 1 to 11 and 13.

None appears for the rest of the respondents.

Pursuant to the leave granted by this court on **November, 20, 2024**, the petitioner files its supplementary affidavit affirmed on **November 26, 2024** is taken on record. Copies have been served upon the respondents.

Mr. Soumya Mazumder, learned Senior Counsel appearing for the petitioners complain of an unauthorized encroachment on a part of the **State**

Highway Land at the behest of the **Public Works Department (PWD)**.

The petitioners submitted representation dated **April 25, 2024 annexure P-1 at page 21** to the writ petition, the same has not been disposed of.

In view of the above, the **respondent no. 4** upon prior notice to the petitioners and other interested parties, if any, shall cause a physical inspection of the alleged encroachment of the Highway Land and shall submit a report before the **respondent no. 7**. The report shall also be furnished before the petitioners and other interested parties, if any.

This exercise shall be carried out by the **respondent no. 4** positively within a period of **four weeks** from the date of communication of this order.

Upon receiving a report from the **respondent no. 4**, the **respondent no. 7** upon issuing a prior hearing notice of at least seven days to the petitioner or other interested parties, if any, and after granting them an opportunity of hearing shall decide the representation dated **April 25, 2024, annexure P-1 at page 21** to the writ petition by passing a reasoned order in accordance with law.

This exercise shall be carried out by the **respondent no. 7** positively within a period of **six weeks** from the date of receipt of the inspection report from the

respondent no. 4, and the reasoned order shall be communicated to the petitioners and the other interested parties, if any, positively within a 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 claims of the petitioners or the other interested parties, if any, and they shall be at liberty to urge whatever points they wish to urge by relying upon whatever records and documents before the **respondent no. 7**.

In the event, the reasoned orders goes in favour of the petitioners, the same shall be communicated to the **respondent no. 3** by the **respondent no. 7** positively within a period of **five weeks** from the date of the said reasoned order to be passed and the **respondent no. 3** then shall take all necessary and consequential steps in accordance with law to give an immediate effect to the said reasoned order positively within a period of **six weeks** from the date of receiving said reasoned order from the **respondent no. 7**.

It is made clear this order shall not create any right or equity in favour of the petitioners and in favour of the other interested parties. if any, if they do not succeed to their respective claims before the **respondent no. 7**, strictly in accordance with law.

Since affidavits are not called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions this writ petition, **WPA 14002 of 2024** stands **disposed of**, without any order as to costs.

(Aniruddha Roy, J.)