

Court No. 2
15.7.2024
(Item No. 3)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side
W.P.A. 14769 of 2024

Uma Sankar Pradhan
VS
The State of West Bengal & Ors.

Mr. Agniswar Bhuniya
.... For the petitioner
Mr. Chandi Charan De
Ms. Reshma Chatterjee
.... For the State
Mr. Chandi Charan Roy
.... For respondent No. 11

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

Mr. Agniswar Bhuniya, learned advocate appears for the petitioner.

Mr. Chandi Charan De, learned Additional Government Pleader appears for respondent Nos. 1 to 9..

Mr. Chandi charan Roy, learned advocate appears for respondent No. 11.

The private respondent No. 10 is not represented, despite notice. The law presumes that, he does not intend to defend this writ petition.

The petitioner claims to be the owner of a piece of land. The land belongs to other individuals which is located in front of the petitioner's land and also adjacent to his land was acquired by the State Highway Authority for construction of State Highways.

Mr. Agniswar Bhunia, learned advocate appearing for the petitioner submits that, the entire land which was acquired by the State authority belongs to such other individuals, was not completely utilized. A portion of land which remains unutilized, alleged to have been encroached by the private respondent Nos. 10 and 11.

The petitioner claims removal of such encroachment. The petitioner submitted a representation dated **March 8, 2024, annexure P-4** at **page 35** to the writ petition, a copy where of was marked to respondent No. 6, the same has not been considered.

Considering the submissions made on behalf of the parties and upon perusal of the materials on record, the petitioner shall further serve a copy of this writ petition upon the respondent No. 6 along with a copy of today's order. The respondent No. 6 then upon issuing a prior notice to the petitioner and the private respondent Nos. 10 and 11 shall cause a physical inspection of the alleged encroachment in presence of the respondent No. 8 and/or its proper delegatee and then after giving all of them an opportunity of hearing shall decide the said representation dated **March 8, 2024** as referred to above 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. 6 positively within a period of **eight weeks** from the date of communication of this order and then the respondent No. 6 shall communicate its reasoned order to the petitioner and all other parties including the private respondents positively within a further 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 or rival claims of the parties in any manner. The petitioner and the private respondents 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. 6.

In the event, the reasoned order goes in favour of the petitioner, the State Highway Authority along with the State authorities shall take all necessary and consequential steps to give an immediate effect to the said reasoned order in terms of the provisions laid down under **Section 10 of the West Bengal Highways Act, 1964** but positively within a further period of **six weeks** from the date of communication of the said reasoned order to all the appropriate authorities.

In the event, any assistance is sought for, by the State Highways Authority, the jurisdictional Police authority shall render all necessary assistance in this regard.

It is made clear that, this order shall not create any right or equity in favour of the petitioner, if the petitioner is not eligible to receive his claim in terms of his said representation 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 14769 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.)