

D/L
Item No. 28
06.06.2024
KOLE/SKB

WPA 15221 of 2024

**Karim Mallick & Ors.
-Vs.-
The State of West Bengal & Ors.**

*Mr. Shamim Ul Bari,
Ms. Asmita Mitra,*

...for the petitioners.

*Ms. Rupsha Chakraborty,
Ms. Sucheta Banerjee,
Mr. Kushal Biswas,*

...for the State.

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

Mr. Shamim Ul Bari, learned Counsel appearing for the petitioners referring to a representation dated April 1, 2024, Annexure “P-3” at page 27 of the writ petition submits that the respondent authorities have installed a submersible pump on the land of the petitioners covering an area of 1 decimal of land to which the petitioners do not have any objection. However, the respondent authorities are trying to encroach a further 11 decimal of land by way of erecting unauthorized construction to which the petitioners have serious objection.

Ms. Rupsha Chakraborty, learned Counsel appears for the State respondents. She places a report dated June 6, 2024 issued under the signature of the jurisdictional Block Development Officer, the same is taken on record.

Considering the submissions made on behalf of the parties and upon perusal of the materials on record, the respondent no. 6 upon issuing a prior hearing notice of at

least seven days to the petitioners shall decide the said representation dated April 1, 2024, as referred to above, after giving an opportunity of hearing to them and then shall pass 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 six weeks from the date of communication of this order. The respondent no. 6 then shall communicate the reasoned order to the petitioners positively within a further period of two weeks from the date of the reasoned order to be passed.

It is made clear that this court has not gone into merits of the claim of the petitioners in any manner. The petitioners shall be at liberty to urge whatever points they wish to urge before the respondent no. 6 by relying upon whatever documents and records they want to rely upon.

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

Till the time the reasoned order is communicated to the petitioners, the respondents shall not take any steps or further steps on the land of the petitioners.

With the above terms, this writ petition being **WPA No. 15221 of 2024** stands disposed of without any order as to costs.

(Aniruddha Roy, J.)