

15.07.2024
Item No.22
Crt.No.02
b.r.

WPA 15296 of 2024

Ashok Pramanik
-vs-
The State of West Bengal & Ors.

Mr. Dyutiman Banerjee
Mr. Pinaki Saha
..... for the petitioner.

Mr. Priyabrata Batabyal
.... For the State-Respondents.

Mr. Sk. Rejaul Alam
.... For the Resp. no.7.

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

Mr. Dyutiman Banerjee, learned advocate appears for the petitioner.

Mr. Sk. Rezaul Alam, learned counsel appears for respondent nno.7.

None appears for the respondent nos. 1 to 6, despite notice.

Mr. Priyabrata Batabyal, learned State Advocate is present in Court, who normally appears in this type of matters is requested to appear in the matter to hold the brief to assist this Court henceforth. His appearance shall be regularised by the office of the learned Government Pleader forthwith.

Copy of the writ petition has been made over to learned State advocate by the learned advocate for the petitioner.

None appears for the private respondent nos. 8 to 11, despite notice. The law presumes they did not intend to defend this writ petition.

The petitioner complains of unauthorized encroachment and occupation of the public land at the behest of the private respondent nos. 8 to 11. The petitioner submitted its representation dated **May 13, 2024, *inter alia***, before the **respondent no.3, annexure p-5 at Page-36** to the writ petition, the same has not been considered.

After considering the submissions made on behalf of the parties and upon perusal of the materials on record, the **respondent no.3** upon issuing a prior notice to the petitioner and the private respondents shall cause a physical inspection of the alleged encroachment on the public land and then granting an opportunity of hearing to the petitioner and the private respondent nos. 8 to 11 shall decide the said representation dated **May 13, 2024** as referred to above by passing a reasoned order in accordance with law.

The entire exercise shall be carried out and completed by the **respondent no.3** positively within a period of **six weeks** from the date of communication of

this order. The respondent no.3 shall then communicate its reasoned order to the petitioner and the private respondents and the appropriate State Authorities 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 claim of the petitioner. 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.3**. The respondent no.3, if necessary, shall take the necessary assistance from the **respondent no.5**.

In the event, the reasoned decision confirms the alleged encroachment of public land by the private respondents, the respondent no.3 and/or any other appropriate State Authorities shall take all necessary and consequential steps to give effect to the said reasoned order in accordance with law but positively within a period of **six weeks** from the date of the said reasoned order to be communicated to the parties as stated above.

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 **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 15296 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.)