

W.P.A 16141 of 2024

Sankar Jana
-versus
The State of West Bengal & Ors.

Mr. Goutam Dey
Mr. Pritam Choudhury
Ms. Ankita Ghosh
...for the Petitioner

Mr. Chandi Charan De, Learned Additional
Government Pleader
Mr. Anirban Sarkar
..for the State

Two affidavits of service filed in Court today are taken on record.

Mr. Pritam Choudhury, learned counsel appears for the petitioner.

Mr. Chandi Charan De, learned Additional Government Pleader appears for all the respondents.

On the prayer of the learned counsel appearing for the petitioner, leave is granted to the petitioner to file a supplementary affidavit, inter alia, disclosing the fact that the statutory appeal is already pending before the statutory appellate authority **under Section 7 of the West Bengal Public Land (Eviction of Unauthorised Occupants) Act of 1962.**

The supplementary affidavit affirmed on July 8, 2024 filed today in Court is taken on record.

The order impugned is dated 6th March, 2024 of the appellate authority and this writ petition has also been filed challenging the same along with other prayers.

Since the petitioners have already invoked the provisions under Section 7 of 1962 Act and the appeal is pending which was filed on March 12, 2024, this Court is of the firm view that, this writ petition should not be entertained at this stage.

In view of the above, the statutory appeal pending before the appellate authority shall be disposed of within six weeks from the date of communication of this order positively after granting an opportunity of hearing to the parties to the appeal and by passing a reasoned order in accordance with law.

It is made clear that this Court has not gone into the merits of this writ petition and all points taken by the petitioner in the statutory appeal shall be open for argument by the petitioner.

Learned counsel for the petitioner submits that the entire structure situated on **8 decimals** of land has already been demolished as alleged to be unauthorised.

Learned Additional Government Pleader denies and disputes this submission of the petitioner and he submits

that the land containing an area of **9 decimals** is unauthorised and steps for demolition, if any, has been taken in respect of the said **9 decimals** of land.

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 16141 of 2024** stands disposed of, without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties expeditiously, on compliance of usual legal formalities.

(Aniruddha Roy, J.)