

Court No. 2
04.12.2024
(Item No. 26)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 16222 of 2024

Satrughna Singh
VS
The State of West Bengal & Ors.

Mr. Lakshinath Bhattacharya
.... For the petitioner
Mr. Chandi Charan De, Ld. Addl. Govt. Pleader
Ms. Reshma Chatterjee
.... For the State
Md. Nauroz Rahber
Mohammad Jawwad
.... For respondent No. 11

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

Mr. Lakshinath Bhattacharya, learned
advocate appears for the petitioner.

Mr. Chandi Charan Ded, leaned Additional
Government Pleader appears for the respondent Nos.
1 to 5, 8 and 9.

Md. Nauroz Rahber, learned advocate appears
for respondent No. 12, the Panchayet Pradhan.

The petitioner complains that the local
Panchayet has encroached the land of the petitioner
and constructed a market complex without any
acquisition. No compensation has been paid to the
petitioner. Petitioner submitted a representation
dated **February 28, 2024, annexure P-3** at **page 37**

to the writ petition, but the same has not been considered.

Learned counsel appearing for the Panchayet submits that, the petitioner is not in possession of the subject land.

In view of the above, the respondent No. 9 upon issuing a prior hearing notice of at least seven days to the petitioner and the respondent No. 12 and after granting them an opportunity of hearing shall consider the said representation dated **February 28, 2024, annexure P-3** at **page 37** to the writ petition by passing a reasoned order in accordance with law.

The entire exercise shall be carried out and completed by the respondent No. 9 positively within a period of **six weeks** from the date of communication of this order and the reasoned order shall be communicated to the petitioner and the private respondent No. 12 positively within a further period of **one week** 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 this writ petition and the respondent No. 9 shall decide the issue independently in accordance with law.

Depending upon the outcome in the reasoned order parties shall be at liberty to take steps in accordance with law.

This order shall not create any right or equity in favour of the petitioner if he does not succeed to his claim before the respondent No. 9 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 16222 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.)