

Court No. 2
09.7.2024
(Item No. 38)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side
W.P.A. 16332 of 2024

Niranjan Pramanik
VS
The State of West Bengal & Ors.

Mr. Dilip Kumar Samanta
Mr. Biswapriya Samanta
.... For the petitioner
Mr. Srijan Nayak
Ms. Rituparna Maitra
.... For the State
Mr. Santimoy Bhattacharyya
Mr. Ziaul Haque
... for respondent No. 4

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

Mr. Srijan Nayak, learned State advocate
appears for the respondent nos. 1 and 7. He submits
a police report dated **July 9, 2024**, issued under the
seal and signature of the **Officer-in-Charge, Daspur**
Police Station, Paschim Medinipur, the same is
taken on record.

The Panchayat, its Pradhan and the private
respondent Nos. 9 to 20 are not represented, despite
notice. The law presumes that, they do not want to
defend this writ petition.

The grievance of the petitioner is that, the road
through which petitioner has the right of egress and
ingress to his property is being encroached at the
behest of the private respondents. As a result, the
petitioner loses his right of free egress and ingress to
his property. The petitioner submitted a

representation dated **May 11, 2024, Annexure-P-3 at page 18** to the writ petition before the Sub-Divisional Officer, Ghatal and the same has not been considered.

After considering the submission made on behalf of the parties and upon perusal of the materials on record, to sub-serve justice, the petitioner shall be at liberty to make a fresh representation before the respondent No. 21 but the same shall not travel beyond the scope of the said representation dated **May 11, 2024** and shall have to be in sync therewith as recorded above.

In the event, such representation is submitted by the petitioner before the respondent No. 21, the respondent No. 21 upon issuing notice to the Pradhan of the concerned Panchayat, the petitioner and all the private respondent Nos. 9 to 20 shall cause a physical inspection of the alleged encroachment and then after granting them an opportunity of hearing shall dispose of the said representation 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. 21 positively within a period of **six weeks** from the date of receiving the representation from the petitioner, if any. The respondent No. 21 then shall communicate the reasoned order to the petitioner, the Pradhan and 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 this writ petition and the allegations made therein. 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. 21.

In the event, the reasoned order confirms the alleged encroachment, the respondent No. 21 through appropriate authority/authorities in law shall take all necessary and consequential steps in accordance with law positively within a period of **two weeks** from the date of the said reasoned order to be passed.

It is made clear that, this order shall not create any right or equity in favour of any of the parties, if they are not eligible to receive their 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 16332 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.)