

01.08.2024  
Item No. 5  
Crt.No.02  
b.r.

**WPA 16763 of 2024**

***Debashree Maiti & Ors.***

***-vs-***

***The State of West Bengal & Ors.***

**Mr. S.P. Pahari**

**Mr. A. Pradhan**

**Mr. Tapan Kumar Mahapatra**

**..... for the petitioners.**

**Mr. Ayan Banerjee**

**Mr. Amrita Lal Chatterjee**

**.... For the State.**

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

Mr. S.P. Pahari, learned advocate appears for the petitioners.

Mr. Ayan Banerjee, learned State counsel appears for respondent nos. 1 to 3 and 6 to 8.

The petitioners claim to be owners of a piece of land. The petitioners claim that they are carrying out a shop room from the subject land. The respondent authorities are in the process of proceeding to construct water pipeline allegedly through their land. The petitioners claim that the respondents authorities should go for an alternative pipeline route which may not affect the alleged piece of land. The petitioners submitted a representation dated **June 27, 2024, annexure p-2 at page-17** to the writ petition, inter alia,

before the respondent no.3, the same has not been considered.

After considering the submissions made on behalf of the parties, the **respondent no.3** upon prior notice to the petitioners is directed to cause a physical inspection of the subject land and then after granting the petitioners an opportunity of hearing shall dispose of the said representation dated **June 3, 2024** as referred to above.

At the outset, the respondent no.3 first has to be satisfied with regard to the right, title and interest of the petitioners over and in respect of the said piece of land and subject to such satisfaction, the respondent no.3 shall proceed to consider the issue in accordance with law.

The entire exercise as directed above 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 reasoned order shall be communicated to the petitioner 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 petitioners neither the question of right, title and interest of the petitioners over and above, the piece of land. The petitioners 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** but the same shall not travel beyond the scope of said representation dated **June 3, 2024**.

In the event, the reasoned order goes in favour of the petitioners, the **respondent no.3** and/or other authority or authorities shall give an immediate effect thereto as expeditiously as possible in accordance with.

It is made clear that this order shall not create any right or equity in favour of the petitioners, in the event, the petitioners are not eligible to receive their claim or the petitioners failed to prove their right, title and interest over and in respect of the land 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 16763 of 2024** stands **disposed of**, without any order as to costs.

**(Aniruddha Roy, J.)**