

01.10. 2024
SL No.13

Court No.2
sg

WPA 15986 of 2023

Rabin Patra & Anr.

Vs.

Pradhan, Kapashapria Gram Panchyat & Ors.

Mr. Manoj Kumar Roy

...for the petitioners.

Mr. Arindam Chattopadhyay

Mrs. Lipika Chatterjee

...for the State.

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

Mr. Manoj Kumar Roy, learned Counsel appears for the petitioner.

Mr. Arindam Chattopadhyay, learned Counsel appears for the respondents no. 4,5,7,8 and 10.

None appears for the respondent no.1.

The petitioners complain of construction of a public drain through the land of the petitioners without acquiring the same. The petitioners submitted a representation **annexure P-2 at page 13** to the writ petition before the respondent no.1 but the same has not been decided.

In view of the above, the petitioners shall serve a copy of the writ petition upon the jurisdictional Block Land and Land Reforms Officer (BL & LRO). The BL & LRO upon notice to the

petitioners and the respondent no.1 shall cause a physical inspection of the subject plot and the construction of drain and shall ascertain whether the drain has been constructed through the land of the petitioners. The report shall be submitted to the petitioners and the respondent no.1.

This exercise shall be carried out and completed by the Block Land and Land Reforms Officer positively within a period of **8 weeks** from the date of communication of this order.

If it is found from the report that the drain was constructed through the land of the petitioners without any acquisition proceeding, then the respondent no.1 upon issuing a prior notice of hearing of at least 7 days to the petitioners shall decide the said representation **Annexure P-2** at **page 13** to the writ petition by passing a reasoned order in accordance with law.

The entire exercise as directed hearing shall be carried out by the respondent no.1 positively within a period of **6 weeks** from the date of communication of the said inspection report.

If the reasoned order goes in favour of the petitioner then the respondent no.4 shall take all necessary and consequential steps in accordance with law positively within a period of further 4 weeks from the date of the reasoned order to be communicated to him.

It is made clear that this Court has not gone into the merits of the case of petitioners and 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.1.

This order shall not create any right or equity in favour of the petitioners, if the petitioners do not succeed to their claims strictly in accordance with law.

Since affidavits are not called for the allegation made in the writ petition are deemed not to have been admitted by the respondents.

With the above observation and direction this writ petition **WPA 15986 of 2023** stands **disposed of** without any order as to costs.

(Aniruddha Roy, J.)