

S/L 12
16.07.2024
Court. No. 9
Suvayan

WPA 18073 of 2024

**Mamirul Gazi & Ors.
Vs.
The State of West Bengal & Ors.**

*Mr. Sounak Bhattacharya
Mr. Tirthankar Mukherjee
Ms. Madhurima Sarkar
Mr. Sounak Mondal
Ms. Urmi Biswas*

...for the Petitioners.

Mr. Saikat Chatterjee

...for the State.

1. This matter was mentioned with an urgent prayer for upgradation, Mr. Saikat Chatterjee, learned Advocate was engaged by the Court to take immediate instructions on behalf of the state respondents. Mr. Chatterjee has assisted the Court. His engagement be regularized.
2. The petitioners alleges that the Executive Engineer, PWD, Barasat Division did not provide an opportunity to the petitioners to answer to the report prepared by the Block Land and Land Reforms Officer, Hasnabad.
3. It is contended that the inspection by the Block Land and Land Reforms Officer for demarcation of PWD land, was not held in the presence of the petitioners. The Block Land and Land Reforms Officer found that 11 shops were on PWD land and the shop of the petitioners was also on the PWD land.
4. Learned Advocate for the petitioners submits that the authority has violated the principles of natural justice.

5. Mr. Chatterjee, learned Advocate appearing for the State/respondents submits that the inspection was held in presence of all the shop owners. The report of the Block Land and Land Reforms Officer will be handed over to the petitioners. The hearing has not yet been concluded. No order of demolition has been passed. The petitioners can always contest the proceedings.

6. Having heard learned Advocate for the respective parties, this Court directs that the Block Land and Land Reforms Officer, Hasnabad as also the Assistant Engineer, PWD, Barasat Sub-Division must hold an inspection of the site, in presence of the petitioners. The measurements shall be taken for identification of PWD land.

7. Such inspection shall be held within a week from date. A report shall be prepared and handed over to the petitioners within 48 hours therefrom. The petitioners shall answer to the report within the next 48 hours, upon receipt of the report and the authorities shall proceed with the hearing soon thereafter and conclude the entire proceeding within a month from date of communication of this order.

8. It is made clear that no adjournment shall be allowed and the authorities shall comply with the direction passed by a co-ordinate Bench in an earlier round of litigation.

9. The hearing fixed today, shall be postponed to a later date, after completion of the exercise to be undertaken in terms of the order.

10. Accordingly, the writ petition is disposed of.

11. However, there will be no order as to costs.

12. Parties to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)