

07.10.2024

Item No. 07

Crt.No.02

b.r.

WPA 21046 of 2024

Sri Sukumar Das

-vs-

The State of West Bengal & Ors.

Mr. Syed Shamsul Arefin

..... for the petitioner.

Mr. Chandi Charan De, Ld. AGP

Ms. Reshma Chatterjee

.... For the State.

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

Mr. Syed Shamsul Arefin, learned counsel appears for the petitioner.

Mr. Chandi Charan De, learned Additional Government Pleader, appears for the State-respondents.

The petitioner alleges that the PWD Authority had constructed drain upon an alleged encroachment of the petitioner's land. Referring to a reasoned order dated **April 26, 2024** passed by the **respondent no.4**, learned advocate for the petitioner submits that though the petitioner has applied before the **respondent no.3** for proper demarcation of the alleged encroachment, the same has not been done.

In view of the above, the **respondent no.3** is directed to complete the exercise in presence of the

petitioner and the **respondent no.2** to give an immediate effect to the said reasoned decision dated **April 26, 2024** at **page-38** to the writ petition.

The exercise 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.

It is made clear that this Court has not gone into the merits of the claim of the petitioner.

This order shall also not create any right or equity in favour of the petitioner, if the petitioner does not succeed to his claim on account of alleged encroachment strictly in accordance with law.

It is needless to mention that proper demarcation shall have to be done, if encroachment will be found by the **respondent no.3**.

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

This writ petition, **WPA 21046 of 2024** stands accordingly **disposed of**, without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties expeditiously, on compliance of usual legal formalities.

(Aniruddha Roy, J.)