

18.11.2024
Ct. No. 2
Sl. No. 22
tbsr

WPA 21256 of 2024

Sukanta Mondal & Anr.
Vs.
State of West Bengal & Ors.

Mr. Panchanan Hajra
....for the petitioners

Mr. Ayan Chandra Roy
Mr. Debraj Sahu
....for the State

Mr. Suddhadev Adak
Ms. Richa Pramanik
....for the respondent nos. 10 to 13

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

Mr. Panchanan Hajra, learned counsel appears
for the petitioners.

Mr. Suddhadev Adak, learned counsel appears
for the respondent nos. 10 to 13.

Mr. Debraj Sahu, learned counsel appears for
respondent nos. 1 to 9.

The petitioners complain of an alleged
encroachment and unauthorized construction on the
PWD land at the behest of the respondent nos. 10 to
13. The petitioners submitted a representation dated
July 15, 2024, Annexure P-4 at page 38 to the writ
petition, but the same has not yet been dealt with.

Learned State counsel submits that by a letter dated **July 8, 2024** issued by the jurisdictional Assistant Engineer, PWD, the jurisdictional Block Land and Land Reform Officer (B.L. & L.R.O.) has been requested to demarcate the alleged encroachment.

In view of the above, the jurisdictional Block Land and Land Reforms Officer (B.L. & L.R.O) upon prior notice to the petitioners and the respondent Nos. 10 to 13 shall cause a physical inspection of the alleged encroachment and construction and shall submit his report before the petitioners, respondent Nos. 10 to 13 and the jurisdictional Assistant Engineer, PWD.

This exercise shall be carried out and completed by the jurisdictional B.L. & L.R.O. positively within a period of **four weeks** from the date of communication of this order.

In the event such report confirms the alleged encroachment and construction on the PWD land then the jurisdictional Assistant Engineer, PWD after issuing a prior hearing notice of at least **seven days** to the petitioner and the respondent Nos. 10 to 13 and after giving them an opportunity of hearing shall decide the said representation dated **July 15, 2024** as referred to above by passing a reasoned order in accordance with law.

The entire exercise shall be carried out and completed by the jurisdictional Assistant Engineer, PWD positively within a period of **six weeks** from the date of receiving report from the jurisdictional B.L. & L.R.O. The reasoned order shall be communicated to the petitioner and the respondent Nos. 10 to 13 positively within a 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 case of the petitioners or the respondent Nos. 10 to 13 and they 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 jurisdictional Assistant Engineer, PWD.

In the event, the reasoned order confirms the alleged unauthorized construction and encroachment, the jurisdictional Assistant Engineer, PWD shall communicate the order to the jurisdictional Sub-Divisional Officer positively within a period of **three weeks** from the date of the said reasoned order to be passed, who shall take all necessary and consequential steps to give an immediate effect to the said reasoned order in accordance with law positively within **four weeks** from the date of receiving the reasoned order from the Assistant Engineer, PWD.

This order shall not create any right or equity in favour of the petitioners and in favour of the respondent Nos. 10 to 13, if they do not succeed to their respective claims before the jurisdictional Assistant Engineer, PWD 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 21256 of 2024** stands **disposed of**, without any order as to costs.

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

(Aniruddha Roy, J.)