

23.08.2024
Ct. No. 2
Sl. No. 7
tbsr

WPA 21397 of 2024

Gour Mohan Pandit
Vs.
The State of West Bengal & Ors.

Mr. Pintu Karar
Mr. Akashdeep Mukherjee
Mr. Sabab Uddin Laskar
Mr. Sourav Roy
....for the petitioner

Mr. Chandi Charan De
Ms. Reshma Chatterjee
....for the State

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

The petitioner has challenged the issuance of the notice dated **August 14, 2024** issued by the respondent no. 8, **Annexure P-6 at page 43** to the writ petition. The impugned notice was issued **under Section 10(1) of the West Bengal Highway Act, 1964** asking the petitioner to remove his alleged encroachment.

Drawing attention to an order dated **June 20, 2024** passed by a Co-ordinate Bench in an earlier writ petition being **WPA 11115 of 2024, Annexure P-5 at page 41** to the writ petition, learned advocate for the petitioner submits that, the representation dated April 16, 2024 which was directed to be disposed of by the

jurisdictional Special Land Acquisition Officer being respondent no. 4 herein, within a period of two months from the date of communication of that order upon granting an opportunity of hearing to the petitioner. Though the two months had elapsed on August 19, 2024 but the said representation of the petitioner dated April 16, 2024 has not yet been considered and on the contrary the said impugned notice dated August 14, 2024 has been served.

Mr. Chandi Charan Dey, learned Additional Government Pleader appearing for the respondents submits that, there is no averment in the writ petition whether the petitioner has communicated the said previous order of the Co-ordinate Bench dated June 20, 2024 to the respondent no. 4.

Upon considering the submission made on behalf of the parties, it appears that learned counsel, Mr. Pintu Karar appearing for the petitioner has failed to demonstrate from his writ petition that the previous order dated June 20, 2024 has been communicated to the respondent no. 4. From the bar he submits that the petitioner went to serve a copy of the order upon the respondent no. 4 but such service was refused. There is no such pleading stated or evidence disclosed in the writ petition. The impugned notice shows that there has been an alleged encroachment by the

petitioner on public land. The notice further shows that the petitioner has been granted an opportunity to disclose all the material documents and records before the respondent no. 8, the author of the notice. On query being raised by Court, learned counsel for the petitioner submits that the petitioner has not submitted the documents before the respondent no. 8.

In view of the above, this writ petition is totally devoid of any merit and is liable to be dismissed.

Accordingly, this writ petition **WPA 21397 of 2024** stands **dismissed**, without any order as to costs.

However, the petitioner shall be at liberty to produce the relevant documents before the respondent no. 8 positively on or before **August 28, 2024 by 12 noon**.

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.)