

18.11.2024
Ct. No. 2
Sl. No. 23
tbsr

WPA 21476 of 2024

Nakul Chandra Gayen & Anr.
Vs.
State of West Bengal & Ors.

Mr. Md. Zeeshanuz Zaman
....for the petitioners

Mr. Supratim Dhar
Ms. Ananya Neogi
....for the State

Mr. Soumen Gayen
Mr. Sandipan Maity
....for the respondent nos. 10 to 13

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

Mr. Zeeshanuz Zaman, learned counsel
appears for the petitioners.

Mr. Supratim Dhar, learned State counsel
appears for respondent nos. 1 to 9.

Mr. Sandipan Maity, learned counsel led by Mr.
Soumen Gayen appears for private respondent nos. 10
to 13.

The petitioners complain of an alleged
unauthorized construction and encroachment on the
PWD land. The petitioners have submitted its
representation dated **July 15, 2024, Annexure P-3 at**
page 14 to the writ petition but the same has not yet
been considered to its finality.

Learned State counsel has placed a police report dated August 23, 2024 with few pages appended thereto which are the reports filed by the office of the jurisdictional Block Land & Land Reforms Officer (B.L. & L.R.O.), the same is taken on record. The B.L. & L.R.O. report has confirmed the alleged encroachment as mentioned in the report of the Revenue Inspector dated August 13, 2024. Copy of the report is taken on record.

In view of the above, this bunch of this document shall be placed by the jurisdictional B.L. & L.R.O. before the jurisdictional Assistant Engineer, PWD positively within a period of **one week** from date.

Learned counsel appearing for the private respondents submits that petitioners have also encroached a portion of PWD land. The land in question of which petitioners claim title, civil suit is pending and there is no resistance of egress and ingress of the petitioners.

The submissions made on behalf of the private respondents are denied and disputed by the petitioners.

In view of the above, the jurisdictional Assistant Engineer, PWD upon receiving a copy of the said report from the B.L. & L.R.O. shall issue a prior hearing notice of at least **seven days** to the petitioners and the

private respondents and then after affording them an opportunity of hearing shall dispose of the said representation dated **July, 15, 2024 at page 14** to the writ petition by passing a reasoned order in accordance with law.

It is noted that, copies of the report of the office of the B.L. & L.R.O. placed by the State counsel, before this Court, as referred to above, have already been served upon Mr. Zeeshanuz Zaman, learned counsel for the petitioners and Mr. Sandipan Maity, learned counsel appearing for the private respondents.

The entire exercise, as directed above, shall be carried out and completed by the jurisdictional Assistant Engineer, PWD positively within a period of **six weeks** from the date of receiving a copy of the report from the B.L. & L.R.O., as directed above and the reasoned order shall be communicated to the petitioners and the private respondents within a further period of **one week** from the date of the said reasoned order to be passed.

In the event, the said reasoned order confirms the encroachment of PWD land, the jurisdictional Assistant Engineer, PWD and/or any other State authority shall take all necessary and consequential steps to give an immediate effect to the said reasoned order in accordance with law but positively within a

period of **eight 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 contentions of the petitioners or the private respondents and they shall be free 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.

The learned State counsel further confirms that when the joint physical inspection of the alleged encroachment was carried out by the office of the B.L. & L.R.O. the petitioners and private respondents were present.

It is made clear that, this order shall not create any right of equity in favour of the petitioners or in favour of the private respondents, if they do not succeed to their respective contentions before the jurisdictional Assistant Engineer, PWD strictly in accordance with law.

It is also made clear that, this Court has not gone into the merits of the allegations made by the private respondents against the petitioners alleging encroachment of PWD land by the petitioners and the private respondents shall be free to take steps in accordance with law in this regard.

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 21476 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.)