

W.P.A 21540 of 2024

**Krishna Prasad Khalua & Ors.
-versus
The State of West Bengal & Ors.**

**Mr. Aninda Bhattacharya
Mr. Sandipan Maity
...for the Petitioners**

**Mr. Chandi Charan De, Ld. Additional
Government Pleader
Ms. Reshma Chatterjee
..for the State**

**Mr. Dilip Kumar Sinha
Mr. Sukdeb Sarkar
..for the private respondent nos. 7 to 11**

Mr. Sandipan Maity, learned advocate led by Mr. Anindya Bhattacharya, learned advocate appears for the petitioners.

Mr. Chandi Charan De, learned Additional Government Pleader appears for the respondent nos. 1, 2 to 6.

Mr. Dilip Kumar Sinha, learned advocate with Mr. Sukdeb Sarkar, learned advocate appears for the private respondent nos. 7 to 11.

The petitioners complain of alleged unauthorised and illegal user and occupation of a public land and the consequential encroachment thereupon at the behest of the private respondents. The petitioners submitted a

representation dated July 5, 2024, Annexure P-2 at page 20 to the writ petition before the State authorities but the same has not yet been considered.

Learned advocate for the private respondents submits that this writ petition is not maintainable as the private respondents have also instituted two counter complaints against the petitioner nos. 1 to 4 which are pending before the respondent no.3.

Considering the submissions made on behalf of the parties and upon perusal of the materials on record, the respondent no.3 is directed upon issuing a prior notice of hearing of at least seven days to the petitioners and the private respondent nos. 7 to 11 and after granting them an opportunity of hearing shall dispose of the said representation dated July 5, 2024 at page 20 to the writ petition by passing a reasoned order in accordance with law.

While considering the said representation dated July 5, 2024 the Sub-Divisional Officer shall also consider the representation alleged to have been submitted by the private respondents before him, if any, at the same time by granting opportunity of hearing to the petitioners and private respondents herein and then shall pass a composite reasoned order.

It is made clear that this Court has not gone into the rival contentions either of the petitioners or of the private respondents.

The petitioners and the private respondents 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 respondent no.3.

The entire exercise as directed above shall be carried out and completed by the respondent no.3 positively within a period of eight weeks from the date of communication of this order.

The reasoned order shall be communicated to the petitioners and the private respondents positively within a period of further two weeks from the date of the said reasoned order to be passed.

It is made clear that this order shall not create any right or equity either in favour of the petitioners or in favour of the private respondents, if they do not succeed to their respective contentions before the respondent no.3, strictly in accordance with law.

Since the 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 21540 of 2024** stands 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.)