

52 24.9.2024
Sc Ct. no.2

WPA 22064 OF 2024

Rabiul Islam

Vs.

The State of West Bengal & Ors.

Mr. Atis Kumar Biswas
Ms. Jyoti Agarwal.

....For the Petitioner

Mr. Chandi Charan De, Ld. AGP
Mr. Anirban Sarkar.

.....For the Respondent
Nos. 1 to 7

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

Mr. Atis Kumar Biswas, learned advocate appears for the petitioner.

Mr. Chandi Charan De, learned Additional Government Pleader appears for the respondent nos. 1 to 7.

None appears for the private respondent nos. 8 to 19 despite notice.

The petitioner complains of an unauthorized and illegal construction and encroachment of PWD land at the behest of the private respondent nos. 8 to 19. The issue has already been travelled previously before this Court. By an order dated **September 8, 2023, Annexure-P4 at page 37** to the writ petition of a coordinate Bench disposing of the writ petition, **WPA 14507 of 2023**

directed the respondent no.4 to take steps in accordance with law. The petitioner alleges that, no step has yet been taken.

In view of the above, the respondent no.6 upon a prior notice to the petitioner and the private respondent nos. 8 to 19 is directed to cause a physical inspection of the alleged encroachment of the PWD land and demarcate the same positively within a period of **four weeks** from the date of communication of this order and shall place the report before the respondent no.4 within a period of **one week** therefrom.

The respondent no.4 then upon issuing a prior notice of hearing of at least **seven days** to the petitioner and the private respondents and after granting them an opportunity of hearing shall dispose of the issue by passing a reasoned order in accordance with law.

The entire exercise as directed above, shall be carried out and completed by the respondent no.4 positively within a period of **six weeks** from the date of the said report to be submitted before it by the respondent no.6. The reasoned order then shall be communicated to the petitioner and the private respondents within a further period of **one week** from the date of the said reasoned order to be passed by the respondent no.4.

This Court has not gone into the merits of the writ petition. The petitioner and the private respondents shall

be at liberty to urge all points before the respondent no.4 by relying upon all the records and documents.

In the event the inspection report and the reasoned order confirms the encroachment then the respondent no.2 shall take all necessary and consequential steps to given an immediate effect to the said reasoned order in accordance with law as expeditiously as possible.

It is made clear that, this order shall not create any right or equity in favour of the petitioner or in favour of the private respondents if they do not succeed to their respective claims before the respondent no.4, strictly in accordance with law.

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

With the above observations and directions, this writ petition, **WPA 22064 of 2024** stands disposed of, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)