

29
25.09.2024
BP
Ct. No. 2

W.P.A 22265 of 2024

Shatrughna Jana
-versus
The State of West Bengal & Ors.

Mr. Mridul Kanti Sasmal
...for the Petitioner

Mr. Chandi Charan De, Ld. Additional
Government Pleader
Mr. Anirban Sarkar
..for the State

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

Mr. Mridul Kanti Sasmal, learned counsel appears for the petitioner.

Mr. Chandi Charan De, learned Additional Government Pleader appears for the respondents.

The petitioner claims to be the owner of land as particularly described in paragraph 2 to the writ petition referring to Annexure P-2 at page 35 to the writ petition, learned counsel for the petitioner submits that though the land is under possession of the petitioner and the petitioner is cultivating the same the State authority has placed a notice board on the land that the land belongs to

the State. Being aggrieved with the said action, the petitioner submitted a representation dated August 1, 2024 before the respondent no.3 but the same has not yet received any attention.

In view of the above, the respondent no.3 is directed upon issuing a prior notice to the petitioner and other interested parties, if any, to cause a physical inspection of the land in the light of the available land records with his office. This exercise shall be carried out by the respondent no.3 positively within a period of **four weeks** from the date of communication of this order. A copy of the report then shall be furnished to the petitioner.

The respondent no.3 then upon issuing prior hearing notice of at least seven days to the petitioner and other interested parties, if any and after granting them an opportunity of hearing shall decide the said representation dated August 1, 2024 by passing a reasoned order in accordance with law.

This exercise shall be carried out and completed by the respondent no.3 positively within a period of **six weeks** from the date of the said report to be submitted to the petitioner by the respondent no.3. The reasoned order shall be communicated to the petitioner by the respondent no.3 positively within a period of **one week** 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 claim of the petitioner with regard to the ownership of the land. The petitioner and the other interested parties, if any, 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 but the same shall not travel beyond the scope of the said representation dated August 1, 2024, as referred to above.

In the event the reasoned order goes in favour of the petitioner then the Board placed on the land, if any, as shown in **Annexure P-2 at page 35** to the writ petition, shall immediately be removed from the land.

It is made clear that this order shall not create any right or equity in favour of the petitioner or in favour of the other interested parties, if any, if they do not succeed to their respective claims 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 22265 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.)