

28
26.09.2024
BP
Ct. No. 2

W.P.A 22350 of 2024

**Ananda Marga Pracaraka Samgha
-versus
The State of West Bengal & Ors.**

**Mr. Mrinal Kanti Ghosh
...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. Mrinal Kanti Ghosh, learned counsel appears for the petitioner.

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

None appears for the private respondent nos. 7 and 8, despite notice.

The petitioner complains of an alleged unauthorised and illegal construction of a boundary wall and an encroachment upon a vested land. The petitioner submitted its representation dated August 7, 2024

Annexure P-4 at page 33 to the writ petition, the same has not been considered.

In view of the above, the respondent no.5 upon notice to the petitioner and the private respondents shall cause a physical inspection of the alleged encroachment and illegal construction and shall prepare a report and serve a copy thereof upon the petitioner and the private respondents.

This exercise shall be carried out by the respondent no.5 positively within a period of three weeks from the date of communication of this order.

The respondent no.5 shall then demarcate the boundary of the vested land within a period of two weeks from the date of the inspection report shall be prepared.

After such demarcation if still any encroachment on the vested land is found at the behest of the private respondents then the respondent no.4 upon being communicated by the respondent no.5 shall immediately take steps to remove such encroachment in accordance with law but positively within a period of four weeks from the date of receipt of such intimation from the respondent no.5.

It is made clear that this Court has not gone into the merits of this writ petition.

The petitioner and the private respondents shall be at liberty to take all points by relying upon whatever records and documents they want to rely upon before the respondent no.5 during inspection.

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.5 strictly in accordance with law.

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 22350 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.)