

26.09.2024

Item No. 35

Crt.No.02

b.r.

WPA 22504 of 2024

Smt. Bijaya Bayen & Ors.

-vs-

The State of West Bengal & Ors.

Mr. Joyjit Roy Choudhury

Mr. Vineet Kothari

..... for the petitioners.

Mr. Chandi Charan De, Ld. AGP

Mr. Anirban Sarkar

.... For the State.

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

Mr. Joyjit Roy Choudhury, learned advocate, appears for the petitioners.

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

None appears for the respondent no.7, despite notice.

The petitioners either by themselves or through their predecessors-in-interest claim to be recorded **Bargadar** for about at least **sixty years** over and in respect of the subject land as more fully and particularly described in **paragraphs 5 to 7** in the writ petition. Referring to a photograph, **annexure p-7 at page-67** to the writ petition, learned counsel for the

petitioners submit that the State has posted a sign board on a portion of the land mentioning that the land belongs to **Public Health Engineering Department** of the State. The petitioners submit that to the notice and knowledge of the petitioners there has been no acquisition proceeding over and in respect of self-same land. The petitioners submitted its representation through its advocates letter dated **August 19, 2024, annexure p-8 at page-69** to the writ petition, the same has not been considered.

Learned Additional Government Pleader has denied and disputed the statements made by the petitioners as recorded above.

The petitioners further complain of that the **respondent no.7** has also entered into the plot and installed an Electricity Meter Room.

After considering the submissions made on behalf of the parties and upon perusal of the materials on record, this Court directs the **respondent no.4** upon issuing a prior notice of hearing of at least **seven days** to the petitioner and the **respondent no.7** and after granting them an opportunity of hearing to decide the said representation of the petitioners dated **August 19, 2024, annexure p-8 at page-69** to the writ petition by passing a reasoned order in accordance with law.

The entire exercise as directed herein shall be carried out and completed by the **respondent no.4** positively within a period of **six weeks** from the date of communication of this order. The reasoned order shall be communicated to the petitioners and the respondents no.7 positively within a further period of **two 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 claim writ petitioners and the petitioners and the respondent no.7 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.4**.

In the event any assistance is required, the jurisdictional **Block Land and Land Reforms Officer (B.L. & L.R.O.)** shall provide all land records before the respondent no.4 in course of the hearing.

In the event the reasoned order goes in favour of the petitioners then the **respondent no.4** shall take all necessary and consequential steps to give an immediate effect to the said reasoned order restituting the status and condition of the land in favour of the petitioners. The **respondent no.7** shall also remove the Meter Room from the land. Such acts shall be done positively by both the respondent no.4 and 7 within a period of **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 in favour of the petitioners, if the petitioners do not succeed to their claims before the respondent no.4 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 22504 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.)