

W.P.A 22924 of 2024

**Puran Chandra Santra
-versus
The State of West Bengal & Ors.**

**Mr. Ivan Roy
Mr. Debangshu Bandhu
...for the Petitioner**

**Mr. Ayan Banerjee
Mr. Amritlal Chatterjee
..for the State**

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

Mr. Evan Roy, learned counsel appears for the petitioner.

Mr. Amrit Lal Chatterjee, learned counsel led by Mr. Ayan Banerjee, learned counsel appears for the State. .

None appears for the private respondent nos. 10 and 11, despite notice.

The petitioner complains of an alleged unauthorised and illegal construction and encroachment upon a PWD land at the behest of the private respondent nos. 10 and 11. The petitioner submitted its representation dated July 8, 2024 **Annexure P-5 at page 44** to the writ petition, the same has not been considered.

The petitioner shall serve a copy of this writ petition upon the jurisdictional Block Land and Land Reforms Officer (BL & LRO).

The BL & LRO then upon issuing the prior notice to the petitioner and the private respondents shall cause a physical inspection of the alleged illegal and unauthorised structure and encroachment and then shall file a report. Copy of the report shall be served upon the petitioner and the private respondents and upon the respondent no.3.

This exercise shall be carried out and completed by the BL & LRO positively within a period of **four weeks** from the date of communication of this order.

If the report reveals encroachment then the respondent no. 3 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 decide the representation of the petitioner dated July 8, 2024, as referred to above, by passing a reasoned order in accordance with law.

The entire exercise shall be carried out by the respondent no.3 positively within a period of **six weeks** from the date of receipt of the report from the BL & LRO and the reasoned order shall be communicated to the petitioner and the private respondents positively within a

further period of **two weeks** from the date of the reasoned order to be passed.

If the reasoned order confirms encroachment then the respondent no.3 and/or appropriate authority shall take all necessary and consequential steps to give an immediate effect to the said reasoned order strictly in accordance with law but positively within a period of **six weeks** from the date of the reasoned order to be communicated to such appropriate authority.

If necessary, the respondent no.12 shall render all assistance.

It is made clear that this Court has not gone into merits of the rival contentions of the petitioner or the private respondent and they 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 at page 44 to the writ petition.

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.3, 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 22924 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.)