

W.P.A 22943 of 2024

Sekh Ahamudlla
-versus
The State of West Bengal & Ors.

Mr. Salil Kumar Maiti
Ms. Pinki Saha
...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. Salil Kumar Maiti, learned counsel 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 11, they refused to accept the notice.

The petitioner complains of an alleged unauthorised and illegal construction and encroachment of a public land at the behest of the private respondents. The petitioner submitted its representation dated June 18, 2024 **Annexure P-4 at page 40** to the writ petition, the same has not been considered.

The respondent no.7 upon issuing the notice to the petitioner and the private respondents shall cause a physical inspection of the alleged unauthorised construction 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 respondent no.7 positively within a period of **four weeks** from the date of communication of this order.

If the report reveals unauthorised construction and encroachment on the public land 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 dispose of the said representation of the petitioner dated June 18, 2024 at page 40 to the writ petition, as referred to above, by passing a reasoned order in accordance with law.

The entire exercise shall be carried out and completed by the respondent no.3 positively within a period of **six weeks** from the date of receipt of the report from the respondent no.7 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.

It is made clear that this Court has not gone into merits of the rival contentions of the petitioner or the private respondents 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 40 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 22943 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.)