

01.10.2024
Item No. 25
(SSS)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 23268 of 2024

Amiya Samanta and Anr.
Vs.
The State of West Bengal and Ors.

Md. Wasim Akram, Adv.

.....For the Petitioners.

Mr. Ayan Banerjee,
Mr. Suman Banerjee,
Mr. Dibtendu Narayan Banerjee, Advs.

.....for the State.

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

From the affidavit of service, Md. Wasim Akram, learned Advocate appears for the petitioners.

Mr. Suman Banerjee, learned Advocate led by Mr. Ayan Banerjee, learned State Counsel appears for Respondent Nos. 1 to 6.

The Private Respondent Nos. 7 to 11 are not represented, despite notice.

The petitioners complain of an alleged unauthorized structure and encroachment on the State land at the behest of the Private Respondents. The petitioners submitted its representation dated **July 26, 2024** before the State authority but the same has not yet been disposed of.

In view of the above, the petitioners shall serve a copy of this writ petition along with a copy of today's order upon the jurisdictional sub-divisional Officer.

The Respondent No. 4 upon issuing prior notice to the petitioners and the private respondents shall physically inspect the alleged encroachment and prepare a report. The Respondent No. 4 shall submit a copy of the report to the petitioners, private respondents and the jurisdictional sub-divisional Officer.

This exercise shall be carried out and completed by the Respondent No. 4 positively within a period of **6 weeks** from the date of communication of this order.

After receiving the report and upon issuing a prior notice of hearing of at least **7 days** to the petitioners and the private respondents, the jurisdictional sub-divisional Officer after granting them an opportunity of hearing shall decide the representation of the petitioners dated **July 26, 2024 at Page 48** to the writ petition by passing a reasoned order in accordance with law.

The entire exercise shall be carried out and completed by the jurisdictional sub-divisional Officer positively within a period of **6 weeks** from the date of receiving the report from the Respondent No. 4. The reasoned order shall be communicated to the petitioners and the private respondents positively within a period of **2 weeks** from the date of the said reasoned order to be passed by the jurisdictional sub-divisional Officer.

It is made clear that this Court has not gone into the contentions raised by the petitioners. The petitioners and the private respondents 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 jurisdictional sub-divisional Officer.

In the event the reasoned order confirms encroachment, then the jurisdictional sub-divisional Officer shall take all necessary and consequential steps to give an immediate effect thereto in accordance with law but positively within a period of **6 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 or in favour of the private respondents, if they do not succeed to their respective contentions, 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 23268 of 2024**) stands disposed of, without any order as to costs.

[Aniruddha Roy, J]