

Court No. 2
04.10.2024
(Item No. 14)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side
W.P.A. 24204 of 2024

Sk. Nesar
VS
The State of West Bengal & Ors.

Mr. Mrinal Kanti Ghosh
Mr. Jayanta Dey
.... For the petitioner
Mr. Chandi Charan De, Ld. Addl. Govt. Pleader
Mr. Anirban Sarkar
.... For the State respondents

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

Mr. Mrinal Kanti Ghosh, learned advocate appears for the petitioner.

Mr. Chandi Charan De, learned Additional Government Pleader appears for the State respondents.

The grievance of the petitioner is that, the State authority has kept and dumped certain building materials on the land of the petitioner, as a result the petitioner cannot cultivate his land. The petitioner submitted a representation dated **March 28, 2024** at **page 41** to the writ petition, the same has not been considered.

The respondent No. 3 shall consider the representation in the light of the proper land records and if it is found that the land on which the materials are kept and stacked belongs to the petitioner the reasoned order shall be passed accordingly.

In the event, the reasoned order goes in favour of the petitioner, the materials shall be removed by the appropriate State authority positively within **a week** 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 petitioner, if the subject plot is not owned and does not belong to the petitioner.

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 **W.P.A. 24204 of 2024** stands **disposed of**, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)