

Court No. 2
04.10.2024
(Item No. 35)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 24660 of 2024

Smt. Sambita Rana
VS
The State of West Bengal & Ors.

Mr. Snehasis Jana
Ms. Anulekha Bera Maiti
Ms. Tutun Das

.... 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. Snehasis Jana, learned advocate appears
for the petitioner.

Mr. Chandi Charan De, learned Additional
Government Pleader appears for respondent Nos. 1 to
9.

The private respondent Nos. 10 and 11 are not
represented, despite notice.

The petitioner complains of an alleged
unauthorized construction and encroachment on
P.W.D. land at the behest of the private respondents.
The petitioner submitted a representation dated
March 22, 2024, annexure P-2 at **page 13** to the
writ petition, the same has not been considered.

In view of the above, the respondent No. 8
upon issuing a prior notice to the petitioner and the
private respondents shall cause a physical inspection
of the alleged encroachment and shall prepare a

report. Such report shall be served upon the petitioner, respondent No. 6 and the private respondent Nos. 10 and 11.

This exercise shall be carried out completed by the respondent No. 8 positively within a period of **four weeks** from the date of communication of this order.

After receiving copy of the report the respondent No. 6 upon issuing a prior hearing notice of at least seven days to the petitioner and the private respondents and after granting them an opportunity of hearing shall decide the said representation dated **March 22, 2024** at **page 13** to the writ petition by passing a reasoned order in accordance with law.

This exercise shall be carried out and completed by the respondent No. 6 positively within a period of **six weeks** from the date of receiving the said inspection report from the respondent No. 8. The reasoned order shall be communicated to the petitioner and the private respondents positively within a period of **one week** 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 rival claims 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. 6.

In the event, reasoned order confirms encroachment on P.W.D. land, the respondent No. 6 shall immediately transmit the said reasoned order before the respondent No. 7 positively within a period of **two weeks** from the date of the said reasoned order to be passed. The respondent No. 7 then shall take all necessary and consequential steps to give an immediate effect to the said reasoned order positively within a period of **four weeks** from the date of receiving the reasoned order from respondent No. 6.

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. 6, 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 **W.P.A. 24660 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.)