

30.07.2024
Ct. No. 2
Sl. No. 51
tbsr

WPA 24523 of 2023

**Rajesh Kumar Patra
Vs.
State of West Bengal & Ors.**

Mr. Salil Kumar Maiti
....for the petitioner

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

Mr. Salil Kumar Maiti, learned advocate appears for the petitioner.

None appears for the respondents including the private respondent nos. 9 to 18, despite notice.

The law presumes that, they do not intend to defend this writ petition.

The petitioner complains of an alleged unauthorized and illegal occupation on the public land at the behest of the private respondents.

The petitioner submitted representation dated **September 4, 2023, annexure P-3 at page 39** to the writ petition before the State authorities including the respondent no.3 but the same has not yet been considered.

In view of the above, the respondent no. 3 is directed upon prior notice to the petitioner and the

private respondents to cause a physical inspection of the alleged illegal and unauthorized occupation on the public land and then after giving them an opportunity of hearing shall decide the representation of the petitioner dated September 4, 2023 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 communication of this order. The respondent no. 3 then shall communicate its reasoned order to the petitioner and the private respondents positively within a further period of **two weeks** 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 claim of the petitioner and the private respondents. The petitioner 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 respondent no. 3 but the same shall not travel beyond the scope of the said representation dated September 4, 2023, as referred to above.

In the event, the reasoned order confirms the illegal occupation on the public road, the respondent no. 3 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 further period of **six weeks** from the date of communication of the said reasoned order to the parties.

In the event, any assistance is sought for by the respondent no.3 from the local authorities including the local police authorities such assistance shall immediately be provided to the respondent no. 3 by such local authorities and/or the police authorities.

It is made clear that, this order shall not create any right or equity in favour of the petitioner, in the event the petitioner does not succeed to his contention 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 24523 of 2023** stands **disposed of**, without any order as to costs.

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Aniruddha Roy, J.)