

**IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION  
APPELLATE SIDE**

27 13.11.2024  
Sc Ct. no.2

**WPA 25783 OF 2024**

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Maniram Construction Pvt. Ltd. & Anr.

Vs.

The State of West Bengal & Ors.

Mr. Mridul Kanti Sasmal

.... For the Petitioners

Mr. Chandi Charan De, Addl. Govt. Pleader

Ms. Reshma Chatterjee.

.... For the Respondents  
State

Mr. Vivekananda Das

Ms. Sneha Dutta.

.... For the Respondent  
Nos. 9 to 15

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

Leave is granted to the petitioners to correct the  
group classification in the first page of the original writ  
petition.

Mr. Mridul Kanti Sasmal, learned advocate  
appears for the petitioners.

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

Ms. Sneha Dutta, learned advocate along with Mr.  
Vivekananda Das, learned advocate appear for the  
private respondent nos. 9 to 15.

The petitioners complain of an alleged encroachment and unauthorized construction on the PWD land at the behest of the private respondents. The petitioners submitted a representation dated **August 30, 2024, Annexure-P3 at page-29** to the writ petition, but the same has not yet been dealt with.

Learned advocate for the private respondents submits that, they have not encroached the PWD land at all. It is the land belonged to the predecessors-in-interest of the private respondents which has been utilised by them. The private respondents are in possession of the subject land since long. The private respondents and/or their predecessors-in-interest are the recorded owners as would be reflected from the L.R. Records. The PWD has never objected to the possession of the private respondents.

Learned advocate for the petitioners has denied and disputed the submissions made on behalf of the private respondents.

In view of the above, the jurisdictional Block Land and Land Reforms Officer (BL &LRO) upon prior notice to the petitioners and the private respondents shall cause a physical inspection of the alleged encroachment and construction and shall submit his report before the petitioners, private respondents and the jurisdictional Assistant Engineer, PWD.

This exercise shall be carried out and completed by the jurisdictional BL&LRO positively within a period of **four weeks** from the date of communication of this order.

In the event such report confirms the alleged encroachment and construction on the PWD land then the jurisdictional Assistant Engineer, PWD after issuing a prior hearing notice of at least **seven days** to the petitioners and the private respondents and after giving them an opportunity of hearing shall decide the said representation dated **August 30, 2024** as referred to above by passing a reasoned order in accordance with law.

The entire exercise shall be carried out and completed by the jurisdictional Assistant Engineer, PWD positively within a period of **six weeks** from the date of receiving report from the jurisdictional BL&LRO. The reasoned order shall be communicated to the petitioners and the private respondents positively within a 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 case of the petitioners 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 jurisdictional Assistant Engineer, PWD.

In the event, the reasoned order confirms the alleged unauthorized construction and encroachment, the jurisdictional Assistant Engineer, PWD shall communicate the order to the jurisdictional Sub-Divisional Officer positively within a period of **three weeks** from the date of the said reasoned order to be passed, who shall take all necessary and consequential steps to give an immediate effect to the said reasoned order in accordance with law positively within **four weeks** from the date of receiving the reasoned order from the Assistant Engineer, PWD.

This order shall not create any right or equity in favour of the petitioners and in favour of the private respondents, if they do not succeed to their respective claims before the jurisdictional Assistant Engineer, PWD 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 25783 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.)**