

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

49 07.11.2024
Sc Ct. no.2

WPA 25938 OF 2024

Sasanka Sahoo & Ors.

Vs.

The State of West Bengal & Ors.

Mr. Krishna Das Poddar
Mr. Subir Sabud.

.....For the Petitioners

Mr. Sk. Md. Galib
Ms. Sujata Bhattacharjee.

....For the Respondent
Nos. 1 to 7

Mr. Apurba Ghanti
Ms. Priti Jain.

.....For the Respondent
Nos. 8 to 11

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

Mr. Krishna Das Poddar, learned advocate appears for the petitioners.

Sk. Md. Galib learned senior Government advocate appears for the respondent nos. 1 to 7.

Ms. Priti Jain, learned advocate appears for the private respondent nos. 8 to 11.

The petitioners complain of encroachment and unauthorized and construction on a State land at the behest of the private respondents. The petitioners submitted a representation dated **September 20, 2024, Annexure-P3 at page 27** to the writ petition before the State authority but the same has not yet been considered.

Learned advocate appearing for the private respondents submits that, the private respondents are staying on the said land for more than 100 years. They are very poor persons.

After considering the rival contentions of the parties and upon perusal of the materials on record the jurisdictional Sub-Divisional Officer upon issuing a prior notice to the petitioners and the private respondents shall cause a physical inspection of the alleged encroachment and construction by the appropriate authority and then after receiving the report if it is found that, the encroachment is confirmed then the jurisdictional Sub-Divisional Officer upon prior notice to the petitioners and the private respondents and after affording them an opportunity of hearing shall pass its reasoned order and shall take all consequential and necessary steps to give an immediate effect to the said reasoned order in accordance with law.

If any assistance is sought for from the jurisdictional police authority, the same shall be rendered by the jurisdictional police authority in accordance with law.

It is made clear that, this Court has not gone into the merits of the rival contentions of the petitioners and 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 Sub-Divisional Officer.

It is made clear that, this order shall not create any right or equity in favour of the petitioners or the private respondents if they do not succeed to their respective claims before the Sub-Divisional Officer, strictly in accordance with law.

Since affidavits are not called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions, this writ petition, **WPA 25938 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.)