

06.12.2024

Item No. 16

Crt.No.02

b.r.

WPA 26468 of 2024

Sk. Nizamuddin

-vs-

The State of West Bengal & Ors.

Mr. Salil Kumar Maity

Mr. Pinaki Saha

Ms. Dolan Samanta

.... For the petitioner.

Mr. Chandi Charan De, Ld. AGP

Ms. Reshma Chatterjee

.... For the State.

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

Mr. Salil Kumar Maity, learned counsel appears for the petitioner.

Mr. Chandi Charan De, learned Additional Government Pleader, appears for the respondent nos. 1 to 7.

The private respondent nos. 8 to 10, are not represented.

The petitioner is aggrieved by an order dated **July 18, 2024** passed by the **jurisdictional District Magistrate, Purba Medinipur.**

On perusal of the impugned order, this Court finds no infirmity therein and the same stands affirmed without any interference.

If an allegation of encroachment is there on PWD land which is a public land then immediately the authority concerned must cause the necessary enquiry in accordance with law and the same direction is made by the jurisdictional District Magistrate.

The jurisdictional Block Land and Land Reforms Officer, the respondent no.5 upon issuing a prior notice of at least **seven days** to the petitioner and the private respondents and all concerned shall cause the physical inspection of the alleged encroachment in terms of the said order dated **July 18, 2024** and shall file a report before the **jurisdictional District Magistrate, Purba Medinipur**. Copies of the report shall also be served upon the petitioner, the private respondents and all concerned.

This exercise shall be carried out and completed by the **respondent no.5** positively within a period of **four weeks** from the date of communication of this order.

Upon receiving the report from the respondent no.5, the **jurisdictional District Magistrate, Purba Medinipur** upon issuing a prior hearing notice to the petitioner, all the private respondents and all concerned and after granting

them an opportunity of hearing shall decide the issue by passing a reasoned order in accordance with law.

The entire exercise shall be carried out and completed by the **jurisdictional District Magistrate, Purba Medinipur** within a period of **six weeks** from the date of receiving the report from the **respondent no.5**. The reasoned order then shall be communicated to the petitioner, all the private respondents and all concerned within a period of **two weeks** from the date of the said reasoned order to be passed.

In the event, the reasoned order confirms the encroachment on PWD land, the **jurisdictional District Magistrate, Purba Medinipur** and/or any other appropriate State Authority 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 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 or the private respondents or anybody concerned, if they do not succeed to their respective claims before the **jurisdictional District Magistrate, Purba Medinipur** 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 26468 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.)