

18.09.2024
Ct. No. 2
Sl. No. 11
tbsr

WPA 25328 of 2023

**Narayan Manna @ Narayan Chandra Manna & Anr.
Vs.
The State of West Bengal & Ors.**

Mr. Raj Kumar Sain
....for the petitioners

Mr. Supratim Dhar
....for the State

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

Mr. Raj Kumar Sain, learned counsel appears for the petitioners.

Mr. Supratim Dhar, learned State counsel appears for respondent nos. 1 to 7.

None appears for the private respondent nos. 8 to 11, despite service.

The petitioners complain of an alleged unauthorized and illegal construction on the PWD land. Petitioners have submitted a representation dated **October 6, 2023, Annexure P-3 at page 49** to the writ petition, the same has not yet been considered.

In view of the above, the respondent no. 5 shall upon issuing a notice on the petitioners and the private respondents shall cause a physical inspection of the alleged unauthorized and illegal structure and

then after granting an opportunity for hearing to them shall decide the said representation dated October 6, 2023, as referred to above, by passing a reasoned order in accordance with law.

The entire exercise, as directed herein, shall be carried out and completed by the respondent no. 5 positively within a period of **six weeks** from the date of communication of this order. The reasoned order then shall be communicated to the petitioners 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 and rival claims of the petitioners and the private respondents. The petitioners 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. 5.

In the event, the reasoned order confirms such alleged illegal and unauthorized construction, then the appropriate State authorities shall take all necessary and consequential steps to give an immediate effect to the said reasoned order in exercise of their power under **Section 10** of the **West Bengal Highways Act, 1964** in accordance with law positively within a period

of **two 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 petitioners or in favour of the private respondents, if they do not succeed to their respective claims before the respondent no. 5.

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 25328 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.)