

27.11.2024
Ct. No. 2
Sl. No. 32
tbsr

WPA 27247 of 2024

Soma Das
Vs.
State of West Bengal & Ors.
Mr. Mihir Kr. Das
Mr. Sujit Bhattacharya
....for the petitioner

Mr. Soumitra Bandyopadhyay
Ms. Suchana Banerjee
....for the State

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

Mr. Mihir Kumar Das, learned counsel with Mr. Sujit Bhattacharya, learned counsel appears for the petitioner.

Mr. Soumitra Bandyopadhyay, learned State counsel appears for the respondent nos. 1 and 2.

None appears for the private respondent no. 3.

Petitioner complains of an illegal conversion of doba into bastu at the behest of the private respondent and an illegal construction thereupon. Petitioner submitted its representation through its advocate's letter dated **October 5, 2024, Annexure P-2 at page 15** to the writ petition, the same has not been considered.

In view of the above, the respondent no. 2 upon issuing a prior hearing notice to the petitioner and the private respondent no. 3 shall cause a physical

inspection of the site and then prepare a report in the light of the existing land records and shall serve a report upon the petitioner and the respondent no. 3. This exercise shall be carried out by the respondent no. 2 positively within a period of **three weeks** from the date of communication of this order.

Then the respondent no. 2 upon further issuing a prior hearing notice of at least **seven days** to the petitioner and the respondent no. 3 and after granting them an opportunity of hearing and on the basis of the said report to be prepared by him shall dispose of the said representation dated **October 5, 2024 at page 15** to the writ petition by passing a reason order in accordance with law.

It is made clear that this Court has not gone into the merits of the contention of the petitioner and the petitioner and the private respondent no. 3 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. 2 but the same shall not travel beyond the scope of the said representation dated **October 5, 2024**, as referred to above.

In the event, the reasoned order confirms the illegal conversion of land from doba to bastu and the illegal construction thereupon as alleged by the

petitioner at the behest of the private respondent, the respondent no. 2 and/or any other appropriate State authority shall take all consequential and necessary steps to give an immediate effect to the said reasoned order but positively within a period of **six weeks** from the date of the said reasoned order to be passed in accordance with law.

It is made clear that this order shall not create any right or equity in favour of the petitioner or in favour of the private respondent, if they do not succeed to their respective claims before the respondent no. 2 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 27247 of 2024** 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.)