

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

04.12.2024
Ct. no.2
Sl. No. 35
Moumita

WPA 28114 of 2024

**Sk. Sariful and Ors.
Vs.
The State of West Bengal & Ors.**

**Mr. Lakshminath Bhattacharya
Mr. Rajib Kumar Acharyya
Mr. Banshi Badan Maity
Ms. Mousumi Ranjan Das
.... For the Petitioner**

**Mr. Chandi Charan De, Ld. Addl. Govt. Pleader
Mr. Anirban Sarkar
....for the State/respondent nos. 1 to 7**

**Mr. Syed Chandan Hossain
Ms. Bratati Chakraborty
....for the private respondent nos. 9, 14 and 16**

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

Mr. Lakshminath Bhattacharya along with Rajib Kumar Acharyya, learned counsel appears for the petitioner.

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

Mr. Syed Chandan Hossain, learned counsel appears for private respondent nos. 9, 14 and 16.

The rest of the private respondents are not represented.

The petitioner complains of an alleged encroachment and unauthorized construction on the

PWD land at the behest of the private respondents. The petitioner submitted a representation dated **October, 30 2024, Annexure P-4 at page-17** to the writ petition, but the same has not yet been dealt with.

The appearing private respondents deny and dispute the allegations of encroachment made by the petitioners. They have not encroached any portion of PWD land. Whatever construction they have caused, the same have been caused on the land purchased by the father of the appearing private respondents in the year 1972. The appearing private respondents submit that their **Plot is LR Plot No. 907.**

In view of the above, the jurisdictional Block Land and Land Reforms Officer (B.L. & L.R.O) upon prior notice to the petitioner and all the private respondents shall cause a physical inspection of the alleged encroachment and construction and shall submit his report before the petitioner, private respondents and the jurisdictional Executive Engineer, PWD.

This exercise shall be carried out and completed by the jurisdictional B.L. & L.R.O. 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 Executive Engineer, PWD after issuing a prior hearing notice of at least **seven days** to the

petitioner and all the private respondents and after giving them an opportunity of hearing shall decide the said representation dated **October 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 B.L. & L.R.O. The reasoned order shall be communicated to the petitioner 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 petitioner 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 Executive Engineer, PWD.

In the event, the reasoned order confirms the alleged unauthorized construction and encroachment, the jurisdictional Executive 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 Executive Engineer, PWD.

This order shall not create any right or equity in favour of the petitioner and in favour of the private respondents, if they do not succeed to their respective claims before the jurisdictional Executive 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 28114 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.)