

04.12.2024
Ct. No. 2
Sl. No. 41
tbsr

WPA 28310 of 2024

Udayan Das
Vs.
State of West Bengal & Ors.

Mr. Sudip Das
....for the petitioner

Mr. Anirban Ray
Mr. Tanoy Chakraborty
Mr. Saptak Sanyal
....for the State

Mr. Shibjit Mitra
Mr. Bidish Ghosh
....for the respondent nos. 10 & 11

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

Mr. Sudip Das, learned counsel appears for the
petitioner.

Mr. Tanoy Chakraborty, learned counsel
appears for respondent nos. 1 to 9.

Mr. Shibjit Mitra, learned counsel appears for
the private respondent nos. 10 & 11.

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 **July
16, 2024** made through advocate's letter, **Annexure P-**

3 at page 22 to the writ petition, but the same has not yet been dealt with.

Learned State counsel submits a police Report dated **December 3, 2024** prepared under the seal and signature of the Superintendent of Police, Hooghly (Rural) Police District, the same is taken on record. The Report shows that the private respondents are running their business from the subject land whereupon encroachment has been alleged.

Learned counsel for the private respondents denied and disputed the allegations of the petitioner.

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 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 Assistant 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 Assistant Engineer, PWD after issuing a prior hearing notice of at least **seven days** to the

petitioner and the private respondents and after giving them an opportunity of hearing shall decide the said representation dated **July 16, 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 Assistant Engineer, PWD.

In the event, the reasoned order confirms the alleged unauthorized construction and encroachment, the jurisdictional Assistant 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 Assistant 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 Assistant 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 28310 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.)