

29.08.2024
Item No. 56
Crt.No.02
b.r.

WPA 27234 of 2023

Tridip Ghosh
-vs-
The State of West Bengal & Ors.

Mr. Ritendra Banerjee
Mr. Shibashis Chatterjee
Mr. Aritra Roychowdhury
..... for the petitioner.

Mr. Ayan Banerjee
Mr. Debpriya Chatterjee
.... For the State.

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

Mr. Ritendra Banerjee, learned counsel, appears for the petitioner.

Mr. Ayan Banerjee, learned State counsel, appears for respondent nos. 1 to 8.

None appears for the private respondent nos. 9 to 15, despite notice. The law presumes they do not intend to defend this writ petition.

The petitioner complains of an alleged unauthorized construction and encroachment on a PWD land at the behest of the private respondents.

The petitioner submitted a representation dated **November 22, 2023, annexure p-2 at page-19** to the writ petition before the State authorities but the same has not yet been considered.

After considering the submissions made on behalf of the parties and upon perusal of the materials on record, to sub-serve justice, the **respondent no.7** upon issuing a prior notice to the petitioner and the private respondents shall immediately cause a physical inspection of the alleged encroachment on the public land and then after granting them an opportunity of hearing shall dispose of the said representation dated **November 22, 2023, annexure p-2 at page-19** to the writ petition by passing a reasoned order.

The respondent no.7 shall carry out and complete the entire exercise positively within a period of **six weeks** from the date of communication of this order. The reasoned order then shall be communicated to the petitioner 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 contentions 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 **respondent no.7**.

In the event, the reasoned order confirms the alleged encroachment and unauthorized construction on the public road, the respondent no.7 shall

immediately refer the matter and submit the said reasoned order before the appropriate jurisdictional authority positively within a period of **two weeks** from the date of the said reasoned order to be passed.

Such appropriate jurisdictional authority then shall take all necessary and consequential steps to remove the said encroachment and unauthorized construction on the public road, if any, to give an immediate effect to the said reasoned order at the earliest in accordance with law.

It is made clear that this order shall not create any right or equity in favour of the petitioner or the private respondents if they do not succeed to their respective contentions before the respondent no.7 strictly in accordance with law.

It is needless to mention that, in the event, at any stage any authority requires the assistance of land record, the jurisdictional B.L. & L.R.O. shall provide all assistance including production of land records before such authority as and when the same shall be required.

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 27234 of 2023** stands **disposed of**, without any order as to costs.

(Aniruddha Roy, J.)