

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

44 09.4.2024
Sc Ct. no.2

WPA 606 OF 2024

Ashim Paul

Vs.

The State of West Bengal & Ors.

Mr. Soumyajyoti Dutta
Mr. Gopal Sah.

....For the Petitioner

Mr. Hirak Barman
Mr. Bikash Singha.

....For the Respondents
State

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

Mr. Soumyajyoti Dutta, learned counsel
appears for the petitioner.

Mr. Bikash Singha, learned counsel led by
Mr. Hirak Barman appears for the State
respondents.

The petitioner along with one Soumyadip
Paul claims to be a joint owner in respect of a plot
of land mentioned in its representation dated
February 26, 2024, Annexure-P2 at page 19 to
the writ petition.

Learned counsel for the petitioner submits
that, an encroachment has come up in front of the
dwelling house of the petitioner's subject land and

the representation was made before the respondent nos. 2 to 4 for removal of such encroachment.

Today when the matter was taken up for consideration learned State counsel places a report dated **April 5, 2024** issued under the seal and signature of the respondent no.5 which shows that, the encroachment has already been removed. The report is accompanied with a bunch of documents in support of such contention. The bunch of documents with the report is kept on record.

Learned State counsel shall make over a copy of the same bunch of documents along with the report to the learned counsel for the petitioner in course of the day.

However, to subserve justice, the respondent no.5 shall consider the said representation dated **February 26, 2024, Annexure-P2 at page 19** to the writ petition in the light of the said report and the bunch of documents made over to this Court today and if the respondent no.5 finds that the encroachment complained of has already been removed, he shall inform the same in writing to the petitioner positively within a period of **two weeks** from the date of communication of this order.

In the event the respondent no.5 finds that, any further encroachment is there which is required to be removed, the respondent no.5 shall

take steps in accordance with law and inform the petitioner accordingly within the said period of two weeks, as directed above.

Since affidavits are not called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

It is also made clear that, this order shall not create any right or equity in favour of the petitioner if the petitioner is not eligible to receive his claim in terms of his representation dated **February 26, 2024** strictly in accordance with law.

In the event the petitioner is compelled to initiate any further remedy available to him in law, this order shall not stand in the way and observation, if any, is made herein shall not be binding in adjudication of such proceeding.

On the above terms this writ petition, **WPA 606 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.)