

16.01.2025

Item No.05

Crt.No.02

b.r.

WPA 496 of 2025

Amit Shaw & Anr.

-vs-

The State of West Bengal & Ors.

Mr. Surya Prasad Chattopadhyay

Mr. Arjun Samanta

Ms. Trishtrya Mancherji

..... for the petitioners.

Mr. Soumitra Bandyopadhyay, SDr. Govt. Adv.

Mr. Srinath Singha Roy

Mr. Priyabrata Batabyal

.... For the State-Respondents.

Mr. Anuj Singh

Ms. Rupal Singh

Mr. Ashok Kumar Singh

..... for the Resp. nos. 8 and 9.

Mr. Ayan Chakraborty

Mr. Dhilan Sengupta

Mr. Sudipta Mahapatra

.... For the Resp. no.7.

Mr. Shourjyo Mukherjee

Mr. Vishwarup Acharyya

.... For the Resp. no.10.

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

Mr. Surya Prasad Chattopadhyay, learned advocate appears for the petitioners.

Mr. Priyabrata Batabyal, learned advocate led by Mr. Soumitra Bandyopadhyay, learned Senior

Government advocate, appears for the State-respondent nos. 1 to 6.

Mr. Dhilan Sengupta, learned advocate appears for the respondent no.7, the House Board.

Mr. Anuj Singh, learned advocate appears for the respondent nos. 8 and 9, Punjab National Housing Finance Limited.

Mr. Shourjyo Mukherjee, learned advocate appears for the private respondent no.10.

Learned counsel for the petitioners referring to the land details from **Paragraph-3** from the writ petition submits that by virtue of a registered deed of conveyance dated **September 22, 2023, annexure p-1 at page-23** to the writ petition has purchased the subject piece of land from the private respondent no.10 against a valuable consideration. Recently, the petitioners found that respondent no.7 has put a **sign board** over the land of the petitioners claiming that the land of the petitioners stood vested in favour of the respondent no.7. The petitioners' land is **Dag No. 1002**. The Record of Right showing the name of the respondent no.10, the immediate seller to the petitioners is at **page-255** to the writ petition.

The petitioners submitted its representation dated **July 24, 2024, annexure p-4 at page-263** to the writ petition, the same has not yet been addressed.

In view of the above, the respondent no.5 upon issuing a prior notice to the petitioners, the respondent no.7, respondent no.8 and respondent no.10 shall cause a physical inspection of the subject land and shall prepare its report with a proper demarcation sketch map showing whether the land of the petitioners or any portion of it is a vested land by virtue of acquisition or otherwise or not. Copies of the said report with the proper demarcation sketch map shall also be served upon the petitioner, respondent no.7, respondent no.8, respondent no.10 and respondent no.4.

This exercise shall be carried out and completed by the **respondent no.5** positively within a period of **four weeks** from the date of communication of this order.

The **respondent no.4** after receiving copy of the report and the demarcation map from the respondent no.5 upon issuing a prior hearing notice of at least **seven days** to the petitioners, respondent nos.7, 8 and 10 and after granting them an opportunity of hearing shall decide the issue in the light of the representation dated **July 24, 2024 annexure p-4 at page 263** to the writ petition by passing a reasoned order in accordance with law.

While deciding the issue, the Special Land Acquisition Officer shall also refer to the land records

if the land of the petitioners or any portion thereof has also been acquired. The records relating to **LA-II/27 of 1968-69** shall also be produced before the respondent no.4 in course of the hearing and the parties shall be at liberty to take inspection thereof. If it is found that the said **LA case** is not related to the acquisition of the present land in question, then respondent no.4 shall proceed on the basis of the existing records.

This exercise shall be carried out and completed by the **respondent no.4** positively within a period of **ten weeks** from the date of receiving the report from the respondent no.5. The reasoned order shall be communicated to the respective parties mentioned above 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 rival contentions of the parties and the parties shall be at liberty to urge whatever points they wish to urge by relying upon the necessary records before the **respondentno.4**, but the same shall not travel beyond the scope of the said representation dated **July 24, 2024 at page-263** to the writ petition.

It is also made clear that this order shall not create any right or equity in favour of any of the parties, if they do not succeed to their respective contentions before the **respondent no.4**.

It is further made clear that if the land of the petitioners or any part of it is found to be vested then the State authorities and the respondent-Bank shall be free to take steps and proceed in accordance with law.

In the event, the land of the petitioners or any part of it is not found to be vested or any portion of it is not found to be vested, the same shall be demarcated accordingly for the exclusive use of the petitioners, if the petitioners are otherwise entitled to it 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 496 of 2025** stands **disposed of**, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)