

16 13.3.2025  
Sc Ct. no.2

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

**WPA 2744 OF 2025**

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Md. Sher Ali

Vs.

The State of West Bengal & Ors.

Mr. Salauddin Ahamed  
Mr. Sandipan Maity.

.... For the Petitioner

Mr. Chandi Charan De, AGP  
Mr. Anirban Sarkar.

.... For the State

Mr. Jayanta Narayan Chatterjee  
Ms. Jayetta Majumder.

....For the Private  
Respondent No.8

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

Mr. Salauddin Ahamed, learned advocate appears  
for the petitioner.

Mr. Chandi Charan De, learned Additional  
Government Pleader appears for the respondents State.

Mr. Jayanta Narayan Chatterjee, learned Senior  
Advocate appears for the private respondent no.8.

The petitioner complains of an alleged  
encroachment and unauthorized construction on the  
PWD land at the behest of the private respondent. The  
petitioner submitted a representation dated **December  
16, 2024, Annexure – P2 at page - 15** to the writ  
petition, but the same has not yet been dealt with.

Learned Advocates appearing for the private respondent, at the outset, denies and disputes the submissions made on behalf of the petitioner and also denies any encroachment as alleged. Learned Advocate appearing for the private respondent further submits that, whatever construction is there on the subject land that has been constructed on the land of private respondent.

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 respondent shall cause a physical inspection of the alleged encroachment and construction and shall submit his report before the petitioner, private respondent 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 respondent and after giving them an opportunity of hearing shall decide the said representation dated **December 16, 2024, Annexure – P2 at page - 15** to the writ petition, 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 respondent 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 respondent 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 respondent, 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 2744 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.)**