

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

37 19.3.2025
Sc Ct. no.2

WPA 5582 OF 2025

Smt. Archana Roy

Vs.

The Officer-in-Charge, Barasat
Police Station & Ors.

Mr. Mihir Kr. Das
Mr. S. Bhattacharya
Mr. Ushananda Jana.

....For the Petitioner

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

Mr. Mihir Kr. Das, learned advocate appears for the petitioner.

None appears for the State nor the private respondent.

Considering the issue involved in this writ petition this Court is of the view that, there is no reason to keep the writ petition pending unnecessarily.

This Court, to receive assistance in the matter, requests Mr. Chandi Charan De, learned Additional Government Pleader to appear in the matter by holding the brief to assist this Court. His appearance shall be regularized by the office of the learned Legal Remembrancer forthwith. Copy of the writ petition has been served upon Mr. De in Court today.

The petitioner claims to be the original Patta holder in respect of a plot of land. Subsequently, the petitioner discovered another Patta is there in favour of the private respondent no.7 on the selfsame land.

This being the dispute, the petitioner submitted a representation dated **January 30, 2025, Annexure-P3 at page 18** to the writ petition, *inter alia*, before the respondent no.3.

In view of the above, the respondent no.3 upon prior notice to the petitioner, private respondent no.7 and other interested parties, if any, on the land shall cause a physical inspection of the land in the light of the existing land records and then prepare a report. Such report shall be furnished to the petitioner, private respondent no.7 and other interested parties, if any, on the land.

This exercise shall be carried out by the respondent no.3 positively within a period of **four weeks** from the date of communication of this order.

Thereafter, the respondent no.3, within a period of **two weeks** after the inspection is done, shall issue a prior hearing notice of at least **seven days** to the petitioner, private respondent no.7 and other interested parties, if any, on the land and after granting them an opportunity of hearing shall decide the said representation dated **January 30, 2025, Annexure-P3 at page 18** to the writ petition by passing a reasoned order in accordance with law.

This exercise shall be carried out and completed by the respondent no.3 positively within a period of **six weeks** from the date of completion of the inspection and the reasoned order shall be served upon the petitioner, private respondent no.7 and other interested parties, if any, on the land within **a week** 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 claim of the petitioner, private respondent no.7 and other interested parties, if any, on the land. They shall be at liberty to urge whatever points they wish to urge in support of their claim by relying upon whatever records and documents they wish to reply upon before the respondent no.3.

Depending upon the reasoned order to be passed, the appropriate authorities shall take all necessary and consequential steps in accordance with law.

It is made clear that, this order shall not create any right or equity in favour of the petitioner, private respondent no.7 and other interested parties, if any, on the land, if they do not succeed to their respective claim before the respondent no.3 strictly in accordance with law.

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

With the above observations and directions, this writ petition, **WPA 5582 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.)