

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

14 10.3.2025
Sc Ct. no.2

WPA 8455 OF 2024

Md. Abubakkar Shaikh

Vs.

The State of West Bengal & Ors.

Mr. Golam Mastafa

Mr. Tarasankar Samanta.

.... For the Petitioner

Mr. Chandi Charan De, AGP

Mr. Anirban Sarkar.

.... For the Respondents
State

Mr. Debasis Sur

Mr. Goutam Sardar

Mr. Goutam Malik.

.... For the Private
Respondent No.9

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

Mr. Golam Mastafa, learned Advocate appears for
the petitioner.

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

Mr. Gautam Sardar, learned Advocate appears for
the private respondent no. 9.

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

February 26, 2024, Annexure - P2 at page -19 to the writ petition, but the same has not yet been dealt with.

Learned Advocate appearing for the private respondent no. 9 at the outset denies and disputes the submissions of the petitioner. He denies any encroachment as alleged. He submits that, it is purely a civil dispute and the construction has been made by the private respondent no.9 on his own land. He submits that the Record of Rights shows the name of the private respondent in respect of the alleged land.

This Court is of the view that the Record of Rights cannot confer any title. It is merely a revenue record. This record, at the highest, can show the name of the person in occupation of the land and who is paying the land revenue.

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 **February 26, 2024, Annexure - P2 at page - 19** 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 8455 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.)