

Court No. 2
09.01.2025
(Item No. 41)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 25487 of 2024

Smt. Bhakti Bhowmik
VS
The State of West Bengal & Ors.

Mr. Salil Kumar Maiti
Ms. Dolan Samanta
.... For the petitioner
Mr. K. J. Yusuf, Id. AGP
Mr. Parikshit Goswami
.... For State respondents
Mr. Subhas Jana
.... For private respondent No. 9

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

Mr. Salil Kumar Maiti, learned advocate
appears for the petitioner.

Mr. K. J. Yusuf, learned Additional Government
Pleader for State respondents.

Mr. Subhas Jana, learned advocate appears for
respondent No. 9.

The petitioner complains of an alleged
encroachment and unauthorized construction on the
PWD land at the behest of the private respondents.
The petitioner submitted a representation dated
August 29, 2024, Annexure P-5 at page-37 to the
writ petition, but the same has not yet been dealt
with.

Learned counsel appearing for the private respondent No. 9 has denied and disputed the allegations made by the petitioner. He submits that the private respondent has not encroached any portion of the PWD land.

In view of the above, the jurisdictional Block Land and Land Reforms Officer (B.L. & L.R.O) upon issuing a prior notice to the petitioner and the private respondents 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 respondents and after giving them an opportunity of hearing shall decide the said representation dated **August 29, 2024** as referred to above by passing a reasoned order in accordance with law.

This 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 respondents 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 merit of the case of the petitioner or the private respondents 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 **four 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 a period of **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 respondents, 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 25487 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.)