

25.11.2020

Item no. 02

Dd/aloke

Through Video Conference

WPA 2258 of 2020

Subrata Mondal

Vs.

The State of West Bengal & Ors.

Mr. Ranajit Chatterjee

Mr. Subhransu Panda

Mr. Aniruddha Mitra

... For the Petitioner

Mr. Tapan Kr. Mukherjee, Id. AGP

Ms. Sukla Das

... for the State

Heard learned counsel for the petitioner and learned Additional Government Pleader for the State.

The short grievance of the petitioner in this public interest litigation is that illegal encroachments are being made on both sides of the Moubesia highway causing hazard to free movement and also polluting environment. Representations have been made by the petitioner to the Executive Engineer, PWD (Road), Howrah Highway Division, being the fourth respondent herein. The petitioner submits that no action has been taken on the basis of his complaint.

Having considered the facts and circumstances of the case and the material on record, we direct the fourth respondent to look into the petitioner's grievance as reflected in the writ petition and take appropriate steps in the matter so that any illegal construction or encroachment on the

aforesaid highway may be removed. Before taking any action in the matter, the fourth respondent shall give an opportunity of hearing to any person who may be adversely affected by his proposed action. For this purpose, the fourth respondent will be entitled to conduct requisite enquiry and the local police will extend all cooperation and assistance to him.

Let this exercise be completed within two months from the date of receipt of a copy of this order along with a copy of the writ petition by the fourth respondent. The petitioner shall ensure service of a copy of this order and a copy of the writ petition on the fourth respondent. If the fourth respondent finds the allegations in the writ petition to be correct, then necessary consequential steps and remedial measures shall be taken by him at the earliest.

With the above direction, this writ petition is disposed of.

Since we have not called for any affidavit, the allegations contained in the writ petition are deemed not to be admitted by the respondents.

(Thottathil B. Radhakrishnan, C.J.)

(Arijit Banerjee, J.)

