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SB

05.10.2020
Ct. No. 24

**W.P.A. 6996 of 2020
with
C.A.N. 1 of 2020**

**Abdul Rashid Mondal & Ors.
Vs.
The State of West Bengal & Ors.**

(Through Video Conference)

Mr. Mohinoor Rahaman
Ms. Maria Rahaman

...For the Petitioners

Ms. Rajarshi Basu
Mr. Kapil Guha

.... For the State

The allegation of the petitioners is that the private respondents are making illegal construction on the P.W.D. road in front of their land.

In view of such illegal construction the egress and ingress to the petitioners' land is being blocked.

None appears on behalf of the private respondent despite service.

Learned advocate for the State respondents, on instructions, from the officer-in-charge of Matia police station submits that on the basis of the complaint lodged by the petitioners the matter was enquired locally and it has come to the notice that the private

respondent has a shop by the side of the mentioned P.W.D. road. The report does not specifically mention whether illegal construction alleged to have been made falls on the P.W.D. land or not.

The respondent no. 3 being the Assistant Engineer, P.W.D. Basirhat sub division is directed to cause an enquiry to come to a specific conclusion whether the land in dispute is a P.W.D. land or not. The said respondent shall forward the enquiry report to the petitioner as well as the private respondent.

In the event, the said respondent arrives at a conclusive finding that the land in question is a government land, necessary steps shall be taken by the said respondent for removal of the alleged illegal, unauthorised construction and encroachment.

If it is found that the land in question is a private property the parties will be at liberty to ventilate their grievances before the appropriate forum in accordance with law.

The report filed by the officer-in-charge, Matia police station is retained with the records.

The writ petition along with the connected application is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties after completion of all necessary formalities.

(Amrita Sinha, J.)

