

21-06-2021

ct no. 13

Sl.89

pk/akd

**WPA 320 of 2020
(Through Video Conference)**

**Subrata Mondal
Versus
State of West Bengal and others**

**Mr. Subhrangsu Panda
... for the petitioner.**

**Mr. Chandi Charan De
... for the State**

By an order dated 11.07.2019 a Coordinate Bench of this Court in W. P. No. 10260(W) of 2019 has found a construction made by unknown persons to be unauthorised and on government property. The authorities were directed to demolish the same invoking provisions of the State Highways Act, 1984.

It is submitted by counsel for the petitioner that despite communication issued by the Assistant Engineer, PWD (Road), Uluberia Highway Sub-Division on 09.08.2019, to the S. D. O., Uluberia, the latter has not taken any steps. It also appears that the Assistant Engineer, Uluberia Highway Sub-Division has not pursued demolition of the matter since 2019.

The delay in carrying out demolition and the failure of the Assistant Engineer, Uluberia Highway Sub-Division and the S. D. O., Uluberia remains completely unexplained.

Let an appropriate enquiry be caused into the failure of the S. D. O., Uluberia and the Assistant Engineer, Uluberia Highway Sub-Division by the District Magistrate, Howrah.

In the meantime, the unauthorised construction referred to at page 42 of the writ petition shall be demolished forthwith preferably within a period of two weeks from the date of communication of a copy of this order.

The Registry as well as the petitioner shall serve a copy of this order along with a copy of the writ petition on the District Magistrate, Howrah. The Assistant Engineer, Uluberia Highway Sub-Division and the S. D. O., Uluberia shall be notified of this order.

With the aforesaid observations, the writ petition is disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order on usual undertaking.

(Rajasekhar Mantha, J.)