

30.11.2021.
Court No.13
Item No. 48

pk

**W.P.A. No. 2249 of 2021
(Through Video Conference)**

**Dinonath Mondal and another
Versus
The State of West Bengal & Ors.**

Mr. Balai Lal Sahoo,
Mr. Rudranil De,
Mr. Sankha Prasad Roy

...for the petitioners.

Mr. Ansar Mondal,
Ms. Srilekha Bhattacharyya

...for the State.

Mr. Gouranga Kumar Das,
Mr. Kanailal Dutta,
Mr. Sandip Kumar Mondal

... for the respondent no. 10.

Leave is granted to the petitioners to add the National Highways Authority as party respondent to the instant proceeding.

The writ petitioners complain that the private respondents have effected illegal construction in front of two plots of land belonging to him. The first is plot no. 28 in respect of Khatian No. 2057, JL No. 156, Mouza-Karanjali and the second is plot no. 31 in respect of Khatian No. 2058 at the same address.

It is submitted that the land on which construction has been effected belongs to the PWD along the National Highway adjacent to a "nayanjuli".

Counsel for the private respondents submits that there is in fact no construction on the petitioners'

land and the question of any obstruction to ingress and egress on the petitioners' land cannot arise.

Counsel for the State submits that the land belongs to the National Highways Authority and the PWD has nothing to do with the said land. The land is stated to be located near a "*nayanjuli*" in the western side of National Highway No. 117. A report of the Kulpi P.S. is produced confirming the above.

This Court is of the view that irrespective of whose land is being occupied by the private respondents, their conduct is *ex facie* illegal.

In that view of the matter, the Diamond Harbour National Highway Division shall forthwith cause an enquiry into the construction made by the private respondents morefully described in Annexures P-6 and P-7 to the writ petition.

In the event, National Highway authorities find that the construction made by the private respondents is on the land belonging to any of them, urgent steps shall be taken to demolish the said construction and possession of such land shall be retaken.

It is expected that the aforesaid exercise shall be carried out by the said NHA within a period of 45 days from the date of receipt of a copy of this order.

Counsel for the State produces instructions of the Officer-in-Charge, Kulpi Police Station, Sundarban Police District dated 10.03.2021 addressed to the

Government Pleader, which is taken on record and be made available to all parties.

The Registry and the petitioners are directed to serve a copy of this order on the National Highway Authority.

A copy of the writ petition along with this order shall be served to the National Highways Authority.

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 duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)