

12.03.2021
(S/L-15)
Ct.-18
(P. Jana)

(Via Video Conference)

W.P.A. 2974 of 2021

Mainul Saikh

-Vs-

The State of West Bengal & Ors.

Ms. Rima Das,

Mr. Jisan Iqbal Hossain,

.... For the Petitioner.

Ms. Chama Mookherjee,

Ms. Paramita Paul,

..... For the State.

Mr. Golam Mastafa,

Mr. Subir Sabud,

... for the respondent no. 7.

Affidavit of service filed on behalf of the petitioner in Court today be kept with the record.

The petitioner complains that in front of his house comprised in LR Dag No. 2198 under J.L. No. 56 of Mouza : Islampur, District : Murshidabad, the respondent no. 7 from the Govt. land has set up his shop room on the Government land thereby is causing serious inconvenience to the petitioner.

The grievance of the petitioner is that he by a representation dated January 18, 2021 prayed before the Executive Engineer, Murshidabad Highway Division No. II, the respondent no. 5 herein, for removal of the said structure. But till date no action has been taken by the said respondent.

The respondent no. 5, by virtue of Section 10 of the West Bengal Highways Act, 1964 is obliged to remove the encroachment on the Government land as

such the said respondents must address the grievance of the petitioner.

The said respondent no. 5 is therefore directed to consider and dispose of the representation of the petitioner dated January 18, 2021 appearing at page 32 of the writ petition being Annexure P-5 in accordance with law by a reasoned order after giving all interested parties an opportunity of being heard.

The said respondent shall make all endeavour to complete his exercise in this regard within a period of twelve weeks from the date of communication of this order.

The petitioner is directed to serve a complete copy of the writ petition along with the copy of the order upon the said respondent within a week from date.

Since no affidavit-in-opposition has been invited, the allegations made in the writ petition are deemed to have been denied by the respondents.

WPA 2974 of 2021 is thus disposed of. No order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Biswajit Basu, J.)