

25
20.01.2021
Court. No.38
b.das

WPA 2534 of 2020
(Via Video Conference)

Dibyendu Dey @ Debyendu Sarkar
Vs.
The State of W.B. & Ors.

Mr. Pijush Kanti Hazra
Mr. S. Mukherjee
Mr. K. Choudhury
Mr. S. Hazra

...for the petitioner.

Mr. Soumitra Bandopadhyay
Mr. Subhasis Bandopadhyay

...for the State.

Petitioner filed the writ petition alleging that the State respondents are unauthorisedly constructing a road over his plots of land bearing Dag Nos.2029 and 2030 of Mouza- Paikpari, J.L. No. 286 within Police Station- Kolaghat, District –Purba Medinipur.

In terms of the order dated January 12, 2021, the Executive Engineer, Tamluk Division, Public Works Department who is presently proceeding with the work of construction of road in the locale was impleaded as party respondent.

The said Executive Engineer has also filed a report dated January 19, 2021, stating that the State respondents have no intention to construct any road over the above plots of land of the petitioner.

It is further stated that the road will be widened on the opposite side of the plots of land of the petitioner. Let a copy of the said report dated January 19, 2021 filed by the respondent No.8, the Executive Engineer, Tamluk Division, PWD, be kept on record.

In the facts and circumstances, as discussed above it is evident that the petitioner's plots of land have not been acquired.

Under such circumstances, the writ petition being WPA 2534 of 2020 is disposed of by issuing a writ of prohibition prohibiting the respondents themselves or by their servants or agents or assigns as otherwise howsoever from constructing any road over the plots of land of the petitioner or interfere with the possession of the petitioner in respect of his plots of land in any manner whatsoever.

There shall, however, be no order as to costs.

Urgent certified copy of this order be immediately made available to the parties subject to compliance with all requisite formalities.

(Ashis Kumar Chakraborty, J.)