

Court No. 24
23.03.2021
(Item No. 125)
(AB)

W.P.A 4511 of 2021

Aparna Pramanik
vs
The State of West Bengal & Ors.

Mr. Biswajit Sau
..... for the petitioner
Mr. Ansar Mondal
Mr. Sougata Mitra
..... for the State

Affidavit of service filed in Court is taken on record.

The petitioner alleges that the private respondents have made construction over the P.W.D. Road and seeks a direction upon the respondent authorities for removal of such unauthorized construction so that she has free ingress and egress to her property in question.

The petitioner relies upon an unreported order passed by the Hon'ble Division Bench of this Court on 01.04.2019 in MAT 1316 of 2018 with CAN 8476 of 2018 in W.P. 4506 (W) of 2018 wherein the Court held that once it is evident to the Court that Government land had been occupied without following any procedure established by law, the Court was duty bound to restore the government land to the government by evicting the illegal and unauthorized occupants therefrom.

None appears on behalf of either the Pradhan of the Gram Panchayat or the private respondents.

The learned advocate appearing on behalf of the State respondents has obtained necessary instructions from the Officer-in-charge of the local Police Station wherefrom it appears that the private respondents have occupied the P.W.D. land for a considerable period of time.

It appears from the instructions given by the Police that the land in question is indisputably the public road. An individual ought not to occupy the same for his personal use. The Hon'ble Division Bench categorically held that the Court is duty bound to restore the Government land to the Government.

Accordingly, the instant writ petition is disposed of by directing the respondent No. 4 being the District Magistrate, South 24 Parganas and the respondent No. 5 being the Superintendent of Police, South 24 Parganas to take necessary steps to ensure that the Public Works Department road is free from unauthorized occupation of the private respondents. The officers of the Public Works Department shall render necessary assistance to the aforesaid respondents for the purpose of proper identification of the land in question.

The aforesaid respondents shall take steps to comply the order indicated herein above at the earliest, but positively within a period of sixteen weeks from the date of communication of a copy of this order.

The petitioner is directed to forward a copy of the writ petition along with all annexures to the aforesaid respondents at the time of communicating the order of the Court.

The instruction given by the officer-in-charge of the concerned Police Station to the learned advocate is retained with the records.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon completion of usual legal formalities.

(Amrita Sinha, J.)