

05.08.2021

Ct. No.13

Sl. No.68

pk/akd

**W.P.A. 8294 of 2021 [via video conference]
CAN 1 of 2021**

[Jagadish Chandra Singh -Vs- The State of West Bengal & Ors.]

Mr. Kamalesh Bhattacharyya
Mr. Syed Mosihar Rahaman
... .. for the petitioner

Mr. Mayukh Moitra
Mr. Rajesh Naskar
... for respondent nos.7 & 8

Mr. Ansar Mondal
Mr. Sougata Mitra
... .. for the State

The petitioner has complained that the private respondents have encroached upon the land belonging to the State Highways Authority. He submits that the construction on the said land is obstructing the ingress and egress of the petitioner.

Learned counsel for the private respondent nos.7 & 8 produces an order of the coordinate Bench dated 23rd August, 2017 passed in WPA No.14892 of 2017 filed by the writ petitioner against certain other persons in respect of the same land.

CPAN 1351 of 2017 has been filed in connection with the said writ petition No. 14892 of 2017 and notice of the contempt application has been served on the private respondents.

This Court is of the view that the subject matter of WPA 14892 of 2017 may have covered the instant proceeding. The petitioner may pursue remedies as may be available to him under the aforesaid order of the coordinate Bench dated 23.08.2017 (Supra).

This Court is also of the view that the construction effected by the private respondent nos.7 & 8 is absolutely adjacent to the subject land in WPA 14892 of 2017 and should be covered under the order dated 23rd August, 2017.

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

In view of disposal of the writ application, the connected application being CAN 1 of 2021 is also disposed of.

There shall be no order as to costs.

All parties are to act on a server copy of this order duly downloaded from the official website of this court.

(Rajasekhar Mantha, J.)