

15th January,
2021
(AK)
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W.P.A 5663 of 2020
With
IA No: CAN 1 of 2020
(Old No: CAN 3533 of 2020)

Sanjay Khan
Vs.
The State of West Bengal & Ors.

Mr. S.G. Chowdhury
Mr. Argha Das
...For the Petitioner.

Mr. Suman Basu
Mr. Gaurav Dutta
...For the respondent Nos. 5 & 6.

Mr. Rajarshi Basu
Mr. S.T. Meena
...For the State.

The petitioner alleges that despite representations being given by the petitioner to respondent nos.4 and 5 herein, no steps have been taken by the authorities with regard to the alleged unauthorized construction being raised by the private respondent on Government land.

As per previous direction, both the State respondent and the concerned Zilla Parishad file independent reports. The report of the latter indicates that the construction is being undertaken on PWD land.

Learned counsel for the State respondent submits that the authority to ascertain the nature of construction vests with the Block Land and Land Development Officer. However, it is indicated in the report of the State Government, as well as submitted by learned counsel,

that the land-in-question was earmarked for being used under the Pradhan Mantri Awas Yojana.

Thus, it appears *ex facie* that the contention of the petitioner regarding the private respondent constructing in an unauthorized manner on the land-in-question has substance.

Accordingly, W.P.A. 5663 of 2020 is disposed of by directing respondent no.4, that is, the Executive Engineer Hooghly, Highway Division no.1, PW (Roads) Department to decide upon the representation given by the petitioner, as annexed to the present writ petition, with regard to unauthorized construction being made on the land-in-question by respondent no.9, within a fortnight from the date of communication of this order.

Respondent no.4, for the purpose of such decision, may permit the interested parties to be represented and/or be heard and to produce relevant documents, if respondent no.4 feels so necessary.

It is made clear that the respondents shall act on the communication by learned counsel, accompanied by server copies of this order, without insisting upon a prior production of certified copy.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)