

14th December,
2021
(AK)
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W.P.A 6593 of 2020
IA No: CAN 1 of 2020
(Old No: CAN 5402 of 2020)

Debashis Maiti
Vs.
The State of West Bengal and others

Mr. Golam Mostafa
Mr. Subir Sabud
...for the petitioner.

Mr. Manoj Malhotra
Mr. Sabyasachi Mondal
...for the State.

Learned counsel for the petitioner rightly submits that the Gram Panchayat has acted without jurisdiction in issuing permits for erection of shops on PWD lands as recorded in the previous order dated September 21, 2020 by Rajasekhar Mantha, J.

The report filed by the respondent authorities today, pursuant to the direction of the coordinate Bench be kept on record.

It is evident therefrom that although a notice under Section 10 of the West Bengal Highways Act, 1964 was issued to the private respondents, no subsequent steps have been taken by the respondent authorities to pursue the matter.

It appears from an annexure to the report that on February 4, 2021 a notice under Section 10(2) for removal of unauthorized structures was given to the private respondents.

The purpose of justice will be sub-served in the event the respondent authorities are directed to expedite further proceedings in the matter.

Accordingly, WPA 6593 of 2020 is disposed of by directing the respondent authorities to take immediate steps pursuant to the notice dated February 4, 2021 and other notices in the same tune, if any, and to expedite the proceedings for eviction of the private respondents following due process of law.

The parties shall act on the written communication of the learned Advocates, accompanied by a server copy of this order, without insisting upon prior production of a certified copy thereof.

CAN 1 of 2020 (Old No: CAN 5402 of 2020) is also disposed of accordingly.

It is expected that the entire procedure shall be concluded by the respondent authorities within six months from date.

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.)