

29.9.2021  
Court No. 19  
Item no.16  
sn

WPA No. 13510 of 2021

Jagannath Jaiswal & Ors.  
Vs.  
The State of West Bengal & Ors.

(via video conference)

Mr. Prantick Ghosh  
Mr. Siddhartha Ghosh  
..for the petitioners  
Mr. Debabrata Saha Roy  
Mr. Arka K. Nag  
Mr. Subhankar Das  
..for the B.M.C.  
Mr. Ashim Kumar Routh  
..for the respdts.9&10  
Mr. Bibek Jyoti Basu  
Ms. Jyotsna Roy Mukherjee  
..for the State

The affidavit of service is taken on record.

This writ petition has been filed alleging obstruction of a road under the control of the Bidhannagar Municipal Corporation

It is submitted that the said road was being used for ingress and egress to the dwelling house of the petitioners. It is further submitted that the said road is adjacent to and in front of 'Aminia' restaurant in Chinara Park.

Mr. Routh, learned advocate for the respondent nos. 9&10 submits that initially there was an obstruction by Reliance Communication but the said obstruction was removed by an order of this Court at the intervention of the Bidhannagar Municipal Corporation. It is further submitted by him that the

Bidhannagar Municipal Corporation has already stated that the road has been cleared and there are no encroachments or obstructions.

The learned advocate further submits that the land in respect of which Writ petition being No. WPA 18834 of 2017 had been filed, was a private land and not a municipal road and the petitioner has wrongly alleged that there are encroachment on the said land.

The petitioners contend that the subject matter of the writ petition before this Court is different and does not have a nexus with the plot of land, which was in issue in the earlier writ petition being WPA 18834 of 2017.

The learned advocate for the petitioners submits that on the self-same road which is the subject matter of dispute in this writ petition, some construction had been made earlier which was removed pursuant to an order of this Court dated March 30, 2011. Subsequently, again some obstructions have been made by raising permanent construction.

Mr. Basu, learned advocate appearing for the State respondents submits that the police have made an enquiry and have found that there are some permanent structures on the land alleged to be a municipal road.

Be that as it may, as the Corporation is the authority to decide the correctness of the allegations of the petitioners, this writ petition is disposed of with a direction upon the competent authority of the Bidhannagar Municipal Corporation to dispose of the representation of the petitioners dated August 12, 2021 being Annexure P/3 at page 79 to the writ petition. The said representation shall be disposed of upon hearing the petitioners as also the representative of the respondent nos. 9&10. Prior to the hearing an inspection shall be held in presence of the parties and a copy of the report shall be supplied to the parties. A reasoned order shall be passed and communicated to all concerned.

The entire exercise shall be completed within a period of four months from the date of communication of this order.

Needless to mention that the Bidhannagar Municipal Corporation shall act and proceed in accordance with law.

This Court has not gone into the merits of the claims and counterclaims of the parties.

This writ petition is disposed of.

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

Parties are directed to act on the basis of the server copy of this order.

**(Shampa Sarkar, J.)**