

30.11.2021.
Court No.13
Item No. 10

pk

**W.P.A. No. 13807 of 2021
(Through Video Conference)**

**Ananda Kumar Ghosh
Versus
The State of West Bengal & Ors.**

Mr. Arka Maiti

...For the petitioner.

Mr. Santanu Kumar Mitra,
Mr. Kapil Guha

...For the State.

The Assistant Engineer, Basirhat Highway Sub-Division, P.W.(Roads) Directorate has submitted a report dated 25.11.2021 in the form of instructions to the Government Pleader. It appears that there is unauthorized encroachment and construction on the land belonging to the State, particularly the Basirhat Highway Sub-Division.

It is submitted that the proceedings, inter alia, under Section 10(2) of the West Bengal Highways Act, 1964 have been initiated and the structures are in the process of being removed in terms of the said Act.

It is ordered that the proceedings and removal shall be completed mandatorily and positively within a period of three months from the date of communication of a copy of this order.

The Inspector-in-Charge, Basirhat Police Station has submitted instruction dated 26.11.2021 to the learned Government Pleader. It appears that enquiries

have been caused by the police and proceeding under Sections 107 and 116(C) of the Cr. P. C. have been drawn up.

The Inspector-in-Charge, Basirhat Police Station is directed to maintain a regular vigil over the said premises to ensure that free ingress and egress to the petitioner's premises is not interrupted. The said Basirhat Police Station shall also ensure that there is absolutely no breach of peace in the locale.

It is submitted by counsel for the petitioner that further encroachment has been happening since the filing of the writ petition. The Inspector-in-Charge, Basirhat Police Station shall ensure that there is no further encroachment of public land.

Since no affidavits have been filed by the respondents, the allegations made in the writ petition shall not be deemed to have been admitted by them.

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

In view of the above, CPAN 762 of 2021 is dismissed.

There will be no order as to costs.

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

(Rajasekhar Mantha, J.)

