

06.12.2021.
Court No.13
Item No. 33
ap

**W.P.A. No. 14330 of 2021
(Through Video Conference)**

**Nirmal Chandra Bag & Anr.
Versus
The State of West Bengal & Ors.**

Mr. Sandip Das.

...For the petitioners.

Ms. Chaitali Bhattacharya,
Ms. Sanjukta Samanta.

...For the State.

Despite service of notice, the private respondents are not represented. Affidavit-of-service filed in Court today be taken on record.

It appears that by an order dated 16th October, 2020, the Assistant Engineer, P.W.D., Diamond Harbour Sub-Division has upon completion of proceeding under Section 10 of the West Bengal Highway Act, 1964 requested the Executive Magistrate, Public Works Department, Diamond Harbour Division to remove the encroachment and unauthorized construction on the land of the Public Works Department.

The petitioners are interested in such an order since the construction has the effect of obstructing the ingress and egress of the petitioners' land.

In that view of the matter, the Executive Magistrate, Public Works Department, Diamond Harbour Division shall take immediate steps to remove the encroachment and unauthorized construction as

specified in the order dated 16th October, 2020 mandatorily and positively within a period of 45 days from the date of communication of a copy of this order.

It is made clear that if approached, the Inspector-in-charge, Usthi Police Station shall render all necessary assistance to the Executive Magistrate, Public Works Department, Diamond Harbour Division for the purpose of carrying out the aforesaid order.

The said Executive Magistrate shall act on the server copy of the order.

With the aforesaid observations, the instant writ petition shall stand disposed of.

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.)