

24th November,
2021
(AK)
58

W.P.A 14872 of 2021

Shri Sanjay Kumar Pithisaria
Vs.
The State of West Bengal & Others

Mr. S. Bose
Mr. Mrinal Das
Mr. Raja Adhikary
...for the petitioner.

Mr. Rahul Biswas
Mr. Kaushik Chowdhury
Mr. Ishan Bhattacharya
...for the respondents no.5.

Ms. Sutapa Sanyal
Ms. Rajlakshmi Ghatak
...for the State.

Affidavit-of-service filed in court today be kept on
reord.

The report filed in court today on behalf of the State
be kept on record as well.

The allegation of the petitioner is that illegal
constructions have been made by the private respondent
on a canal and culvert thereon, which belong to the PWD.

Such construction is illegal, it is contended, and is
creating blockage to the ingress and egress of the
petitioner to the petitioner's premises.

Learned counsel appearing for the respondent
authorities files a report which indicates that such illegal
constructions have undoubtedly being made on the
culvert and canal-in-question.

However, learned counsel appearing for the respondent no.5 disowns having any connection with the construction or the property and submits that the property does not belong to the respondent no.5 anymore.

In such view of the matter, since the construction is patently unlawful even as per the version of the respondent authorities, WPA 14872 of 2021 is disposed of by directing respondent nos.2 and 3 to take immediate steps in accordance with law to undertake demolition of the illegal construction and to complete such demolition as early as possible, preferably within four weeks from the date of communication of this order to the PWD.

The petitioner shall communicate this order to the respondent nos.2 and 3, who shall act on the communication of the learned advocate for the petitioner, accompanied by a server copy of this order, without insisting upon prior production of a certified copy thereof.

There will be no order as to costs.

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

(Sabyasachi Bhattacharyya, J.)