

December 14, 2021
Item No.14
Court No.1
SG/s.biswas

WPA (P) 256 of 2021

Kalam Sk and others
vs.
The State of West Bengal and others
(Through Video Conference)

Mr. Jayanta Samanta,
Ms. Paromita Malakar,
Mr. Moidul Islam Kayal, Advocates
..for the Petitioners

Mr. Anirban Ray, Id. Govt. Pleader
Mr. Md. T.M. Siddiqui,
Mr. N. Chatterjee, Advocates
..for the State

Mr. Md. Sarwar Jahan,
Mr. Sk. Nayeemul Haque, Advocates
..for the respondent Nos.20 & 21

This writ petition has been filed with the allegation that the illegal encroachment has been made on the public land/public road appertaining to Dag No.395, Mouza Pilkhana, J.L. No. 112, Police Station Rejinagar, Murshidabad. It is also pointed out that the Teacher in-Charge of Pilkhana Junior High School had made a request for the removal of the illegal encroachment which had made the road narrow.

On the direction of this Court, a report in the form of affidavit has been filed by the respondent Nos.4 and 14 and the said report also reflects that the illegal encroachment exists on the road. The finding in enquiry report is as under:

“With reference order of Hon’ble High Court, Calcutta dated 29.09.2021 in connection with W.P.A. (P) No.256 of 2021 (Kalam Sk and others -vs.-State of West Bengal & ors.), the matter

enquired by the Assistant Engineer (Sadar), Murshidabad Zilla Parishad and submitted the following report.

1) Illegal encroachment and unauthorized construction (242.60 Sq.ft.) upto lintel level over the public road/land at plot no.395, Mouza-Pilkhana, J.L. No. 112, (Classification-rasta) Police Station- Rejinagar, Murshidabad by the private respondent no.15 namely Jahiruddin Sk.

2) Illegal encroachment and unauthorized construction (86.23 Sq.ft.) for purpose of mobile repairing shop over the public road/land at plot no.395, Mouza-Pilkhana, J.L. No.112, (Classification – Rasta) Police Station – Rejinagar, Murshidabad by the private respondents no.16 namely Ijajul Kazi.

In this regard a report with sketch (signed by Assistant Engineer (Sadar), Murshidabad Zilla parishad) is enclosed for kind perusal.

The road has become narrow due to illegal encroachment and unauthorized construction by the private respondents. Accordingly in this situation, the general people as well as students of the Pilkhana Primary School and Pilkhana Junior High School are in great problem for using of the said road and at any point of time fatal accident may occur.”

Learned counsel for the petitioner as well as learned counsel for the State jointly submitted that the steps are now required to be taken by the District Magistrate, respondent No.4, to remove the alleged unauthorized construction.

Hence, the present petition is disposed of directing the respondent No.4 to take appropriate steps for removal

of the alleged unauthorized construction in accordance with law after giving due opportunity of hearing to the alleged encroachers, as expeditiously as possible preferably within a period of 8 weeks from the date of receipt of the certified copy of this order.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

[Prakash Shrivastava, C.J.]

[Rajarshi Bharadwaj, J.]