

November 30, 2021

ARDR

(18)

WPA 15853 of 2021

Maidul Islam & ors.

Vs.

The State of West Bengal & ors.

Mr. Debasish Das,

...for the petitioners.

Sk. Sahajahan Ali,

...for the respondent no.10.

Mr. Soumitra Bandyopadhyay,

Mr. Aniruddha Sen,

...for the State.

Affidavit of service filed by the petitioners be taken on record.

Heard the learned counsels for the parties.

The contention of the petitioners is that the private respondents filed a writ petition being WPA 10663 of 2021 alleging that the present petitioners encroached upon the Government land and such writ petition was disposed of by a coordinate Bench of this Court vide order dated 30th June, 2021 with a direction upon the Executive Engineer to consider the representation of the private respondents of the present writ petition and dispose of the same within a stipulated period of time after hearing the present petitioners. In compliance with the said order, notice was issued upon the parties by the Block Land and Land Reforms Officer, Egra – I on 20th July, 2021 for demarcation of the plot.

The petitioners complain that the report of such exercise was not communicated to them by the Block Land and Land Reforms Officer for which the petitioners filed an application before the said authority on 7th September, 2021 claiming a copy of such report. Without disposing of the said application, the Assistant Engineer, Kantai Highways Sub-Division, P.W. (Roads) Directorate issued a notice under Section 10(1) of the West Bengal Highways Act, 1964 upon the petitioners directing them to remove/demolish the structures/obstructions made by them on Government land within 8th September, 2021. The petitioners pray for a direction upon the authority to dispose of their application dated 20th July, 2021 before proceeding under Section 10 of the Act of 1964 any further.

It is submitted on behalf of the State respondents that the application filed by the petitioners before the State authority may be allowed and the petitioners may be permitted to receive a copy of the report prepared by the State.

Upon consideration of the submissions made on behalf of the parties and material on record, the writ petition is disposed of with a direction upon the respondent no.8 to consider and dispose of the application filed by the petitioners dated 20th July, 2021 within a fortnight from the date of

communication of this order. Upon receipt of the report, as claimed by the petitioners, the petitioners shall be at liberty to file objection before the concerned authority within a week thereafter.

Such objection filed by the petitioners should be considered by the concerned authority before proceeding under Section 10 of the Act of 1964 any further.

With the aforesaid observations and directions, WPA 15853 of 2021 is disposed of. However, there shall be no order as to costs.

Since no affidavit has been invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be furnished to the parties upon compliance of all necessary formalities.

(Suvra Ghosh, J.)