

15.02.2021
Item no. 24
Aloke
Ct. no.38

(Through Video Conference)

W.P.A. 18664 of 2019

Subhas Chandra Kamila & Anr.
Versus
State of West Bengal & Ors.

Mr. Nirmalendu Patra
Mr. Debnarayan Patra

... for the petitioner

Mr. A.K Guha
Mr. N. Ghosh Dostidar

... for the State

Mr. Kaushik Dey
Mr. Ziaul Haque

... for the private respondents

Affidavit-of-service filed in Court be kept with the records.

The petitioner says that the private respondents have encroached upon Government land and have made unauthorized/illegal construction thereon.

In an order dated January 15, 2021, it was recorded by this Court that from the report of the Officer-in-charge, Sagar P.S., Sundarban police, District South 24 Parganas, it appears that in fact encroachment has been made on the highway by the private respondents. A report was called for from the Additional District Magistrate (General), South 24 Parganas. No such report has been filed as yet. However, it seems to be a fairly admitted position that there is encroachment on the Government land at the instance of the private respondents.

In view of the aforesaid, I direct the respondent no. 3 to initiate necessary action under Section 10 of the West Bengal Highways Act, 1964 for removal of encroachment from the Government land. Needless to say, the procedure contemplated in Section 10 of the 1964 Act, shall be followed and the private respondents shall be given full opportunity of hearing before any adverse action is taken against them.

Let the entire exercise be completed by the respondent no. 3 within a period of three months from the date of receipt of a copy of this order along with a copy of the writ petition.

W.P.A. 18664 of 2019 is accordingly disposed of.

Since no affidavit has been called for, none of the allegations in the writ petition shall be deemed to have been admitted by the respondents.

There will be no order as to costs.

(Arijit Banerjee, J.)