

15.02.2021
Item no. 28
Aloke
Ct. no.38

(Through Video Conference)

W.P.A. 18686 of 2019

Shyamapada Das
Versus
State of West Bengal & Ors.

Mr. Nirmalendu Patra
Mr. Debnarayan Patra
... for the petitioner
Mr. Pantu Deb Roy, Id.AGP
Mr. Subrata Guha
... for the State
Mr. Kauyshik Dey
Mr. Ziaul Haque
... for the private respondents

Copy of the report filed by the Additional District Magistrate (Gen), South 24-Parganas be kept with the records.

From the said report, which takes into consideration the report with the concerned B.L & L.R.O, it appears that the private respondents have encroached upon Government land and have made constructions thereon.

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 the encroachment from 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. 18686 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.)