

11.02.2021
Item no. 22
Aloke
Ct. no.38

(Through Video Conference)

W.P.A. 22296 of 2019

Md. Kamrojjaman Mandal & Anr.
Versus
The State of West Bengal & Ors.

Ms. Saira Banu

... for the petitioners

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

In spite of service nobody appears for the respondents.

The petitioners say that in front of their residential building on the road running from Berhampore to Islampur via Seikhpara which is a public road, the private respondents have made unauthorized construction, thereby creating undue inconvenience and difficulty for the petitioners. The petitioners have lodged a complaint with various officials in the administration including the Chief Engineer, Headquarters, Public Works (Roads) Directorate, being the 4th respondent herein. Learned Advocate submits that no action has been taken by the administration on the basis of such complaint. Hence, this writ petition.

Having considered the facts and circumstances of the case and the documents on record, I direct the 4th

respondent herein to treat the contents of this writ petition including the annexures thereto as a representation of the petitioners and conduct requisite enquiry into the grievance of the petitioners. The 4th respondent shall given an opportunity of hearing not only to the petitioners but also to the private respondents before coming to a finding. If the 4th respondent finds that there is merit in the grievance of the petitioners and the private respondents have, in fact, made unauthorized/illegal construction on the road in question, the 4th respondent or any other competent officer including the Sub-Divisional Officer and the District Magistrate will invoke the relevant provisions of law and if necessary the provisions of the West Bengal Public Land (Eviction of Unauthorized Occupants) Act, 1962. The 4th respondent shall complete his enquiry and prepare his report at an early date and preferably within six weeks from the date of receipt of a copy of this order along with a copy of the writ petition. If unauthorized construction is found, necessary action for removal thereof will be taken within four weeks thereafter. Needless to say, the principles of natural justice will be observed, meaning thereby, the private respondents must be given full opportunity of hearing before any adverse action is taken against them.

No useful purpose will be served by keeping this writ petition pending.

With the aforesaid observations, the writ petition is 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.

(Arijit Banerjee, J.)