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jdt.

16.12.2021
jb.

W.P.A. 7728 of 2020
(Nabiul Islam vs. State of West Bengal & Ors.)

Mr. Partha Pratim Roy
Mr. Dyutiman Banerjee
.... For the Petitioner

Mr. Susovan Sengupta
Mr. Manas Kr. Sadhu
.... For the State

Ms. Rima Das
.... For the Respondent No. 7

Heard learned counsels for the parties.

The allegation of the petitioner in the instant writ petition is that the private respondents encroached upon Government land by raising unauthorised construction therein. A representation was submitted by the petitioner before the concerned Authority to that effect and by order dated 19th November, 2019 in W.P. 20822(W) of 2019, a co-ordinate Bench of this Court directed the concerned Authority to consider such representation upon giving hearing to the petitioner and the private respondents within a month from the date of the order.

This day State submits a report which includes a notice dated 28th October, 2021 issued under Section 10(3) of the West Bengal Highways Act, 1964 upon the private respondents which demonstrates that the private respondents were directed to remove the construction raised by them upon encroaching P.W.D. land and to restore the roadside land to its original condition. Such letter also reveals that it was admitted by the petitioner in course of hearing that the petitioner has also illegally occupied the roadside Government land and started to raise construction therein. Admittedly no notice was served upon the petitioner under Section 10 of the Act of 1964.

The private respondents submit that the petitioner has also received a copy of the notice under Section 10(3) of the Act of 1964.

Upon consideration of the submissions made on behalf of the parties and material on record, the writ petition be disposed of on two limbs.

Firstly, as no notice under Section 10 of the Act of 1964 was served on the petitioner as submitted on behalf of the State respondents, the State respondents are at liberty to issue such notice upon the petitioner and take necessary steps for removal of the

unauthorised construction raised by the petitioner by encroaching P.W.D. land, in accordance with law.

Secondly, as notice under Section 10(3) of the Act of 1964 was served upon the private respondents, such respondents are at liberty to approach the appropriate forum under Section 10(4) of the Act for redressal.

With the above observations, W.P.A. 7728 of 2020 is disposed of.

There shall be no order as to costs.

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

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)