

September 29, 2021

ARDR

(7)

**WPA 7914 of 2020**

Manoj Kumar Gupta & ors.

Vs.

The State of West Bengal & Ors.

Mr. Goutam Kumar Das,

Mr. Dipanjan Datta,

Ms. Suknya Datta,

Mr. Atanu Basu,

...for the petitioner.

Mr. Sujay Bandhopdyay,

Mr. Jagajyoti Das,

Ms. Doyel Dey,

...for the respondents.

Mr. Soumitra Bandyopadhyay,

Mr. Anuriddha Sen,

...for the State.

Heard the learned counsels for the parties.

The allegation of the petitioner is that the private respondents have encroached upon the petitioner's land and also Government land.

The added respondents submit that though the writ petition has been filed with regard to a stretch of road from the SBI e-corner More to Inda Pirbaba More, the PWD authority has exceeded the said stretch of land and has issued notices upon the private respondents threatening demolition of their structures therein.

The State respondents have submitted a report, as called for. It appears from the said report that the encroachers did not remove the structures from the Government land within the specified time limit for

which the SDO Kharagpur has been requested to take necessary action as per West Bengal Highways Act, 1964 for complete removal of the unauthorised structure from the Government land in that location.

In view of the said report and having considered the submissions made on behalf of the parties, the respondent no.10 is directed to issue notice upon all the parties including the respondents as well as the added respondents and dispose of the matter after giving reasonable opportunity of hearing to all the affected parties including such respondents within a period of three months from the date of communication of this order, in accordance with law.

No demolition of structure in respect of this petition should be undergone prior to the disposal of the matter under Section 10 of the West Bengal Highways Act, 1964.

With the aforesaid observations, WPA 7914 of 2020 is disposed of. However, there shall be no order as to costs.

Since no affidavit is 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 on usual undertakings.

**(Suvra Ghosh, J.)**