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10.03.2021
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 8383 of 2020

Madan Mohan Bera
Vs.
The State of West Bengal & Ors.

Ms. Pinki Saha
... For the petitioner.

Mr. Soumitra Bandyopadhyay,
Mr. Priyabrata Batabyal
... For the State.

Affidavit of service filed in Court today is taken
on record.

The petitioner has made a complaint to the
Executive Engineer, Tamluk Highway Division, P.W.
(Road) Directorate, Tamluk, Purba Medinipur,
alleging construction of unauthorized pucca
structure over the Government land by Dilip Kumar
Singha, the respondent no.8 in the writ petition.
Since no steps have been taken, according to the
petitioner, for removal of such unauthorized
structure in terms of the petitioner's complaint, the
present writ petition has been filed inter alia, seeking
mandatory direction on the respondent authorities to
take immediate steps for removal of the unauthorized
construction.

On behalf of the respondents no.1 to 7, it is
submitted that the Assistant Engineer, being the

respondent no.3, upon receiving the petitioner's complaint had requested the concerned Block Land & Land Reforms Officer, being the respondent no.5 to demarcate the land of the State Highway in order to ascertain whether the construction alleged to have been made by the respondent no.8 is on the land of the State Highway. The respondent no.5 has till not demarcated the land and as such, no further steps could be taken in the matter.

The complaint has been made by the petitioner on 15th June, 2020. Owing to the pandemic, it cannot be alleged that there has been inordinate delay in resolving the petitioner's complaint. The petitioner's complaint is required to be brought to a logical conclusion, first by ascertaining whether the alleged construction is on the State Highway and then the nature of construction and its demolition if the same is on the land of the State Highway. The said respondents are therefor directed to take expeditious steps in resolving the petitioner's complaint. The entire process in terms of the relevant provisions of the West Bengal Highway Act, 1964 has to be completed within a period of six months from the date of passing of the order.

Nothing further remains to be adjudicated in the writ petition and the same is accordingly

disposed of without any order as to costs.

Since I have not called for any affidavits, the allegations contained in the writ petition are deemed to have not been admitted by the respondents.

Urgent photostat certified copy of this order, if applied for, is to be given to the parties upon compliance with the necessary formalities.

(Arindam Mukherjee, J.)