

Court No. 24

08.02.2021

(Item No. 21)

(AB)

W.P.A 8393 of 2020

Sri Souvik Halder

vs

The State of West Bengal & Ors.

Mr. Rajdeep Bhattacharya

Mr. Nilanjan Pal

...for the Petitioner

Mr. Samrat Sen

Mr. Amitava Mitra

..... for the State

Mrs. Aparna Banerjee

..... for respondent Nos.5, 12 & 13

Mr. Pradip Kr. Mondal

.... For the respondent No. 14 - 16

The petitioner complains of unauthorized illegal construction over public land. The Court directed the respondent authorities i.e. the Eastern Railway, the Municipality and the State respondents to conduct a joint inspection and submit a report before this Court.

In compliance of the direction passed by the Court a joint inspection was carried out by the respondent authorities and independent reports from the Eastern Railway, the Sub-divisional Officer, Diamond Harbour and the Diamond Harbour Municipality have been filed in Court.

All the respondent authorities have admitted in unison that the land where illegal construction has been alleged to be made falls within the jurisdiction of the railway. It has also been admitted by all the respondent authorities that there has been unauthorized construction

in the railway land without any permission and or sanction being granted for the same.

It has also been submitted by the railways that if the unauthorized construction and the unauthorized structures are removed then the area can be developed for water drainage system in the disputed locality as per the railways extant norms.

As it appears from the reports filed by the respondent authorities that admittedly there has been unauthorized construction over the railway land this Court thinks it fit to direct the responsible officers of the Eastern Railway to take steps for removal of all the unauthorized structures and constructions made over the government land at the earliest, but positively within a period of three months from the date of communication of a copy of this order. The District Magistrate, South 24 Parganas and the Superintendent of Police of the Diamond Harbour District shall render necessary assistance to the officials of the Eastern Railway who will take steps for removal of the unauthorized construction from the railway land.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon completion of usual legal formalities.

(Amrita Sinha, J.)