

09.04.2021
p.b.
Sl. No.19.

W.P.A. 9729 of 2020
(via Video Conference)

Purna Chandra Das
Vs.
The State of West Bengal & Ors.

Mr. Kaustav Das,
Mr. Sk. Sahjahan Ali.
.....for the petitioner
Mr. Susovan Sengupta,
Mr. Srikanta Paul.
.....for the State.

The affidavit of service filed in Court today be kept with the record. It has been submitted by the petitioner that the respondents have been duly served.

The writ petitioner alleges that the private respondent nos.7 and 8 have made a construction over the PWD land being Dag No.843 and 844, J.L. No.116, Mouza Banamalipur, Police Station Bhagwanpur, District Purba Medinipur. The writ petitioner submitted a representation to the Gram Pradhan Simulia Anchal No.6, Bhimeswari Bazar, Bhagwanpur, Purba Medinipur for removal of encroachment upon the PWD land.

Mr. Sengupta, learned advocate for the State submits that the Pradhan of the concerned Gram Panchayat is not the appropriate authority to take a decision on the petitioner's representation.

Mr. Das submits that the Executive Engineer, being the respondent no.3 herein is the appropriate authority to

consider the prayer for removal of encroachment of a PWD land.

Since no application has been filed under the appropriate provision of law before the competent authority, Mr. Das prays for leave to make a representation before the appropriate authority.

After hearing the learned advocates for the parties and upon perusing the materials on record, W.P.A. 9729 of 2020 is disposed of by giving liberty to the petitioner to make an application before the competent authority for removal of alleged encroachment upon the aforesaid public land. If such representation is made, it is expected that the concerned authority shall take steps in accordance with law as expeditiously as possible.

With the above observations, the writ petition being W.P.A. 9729 of 2020 is disposed of without, however, any order as to costs.

Since no affidavits have been called for, the allegations made in the writ petition shall not be deemed to have been admitted by the respondents.

Urgent photostat certified copy of this order, if applied, for shall be given to the parties as expeditiously as possible.

(Hiranmay Bhattacharyya, J.)