

February 8, 2022
Sl. No.14
Court No.1
SG/s.biswas

WPA (P) 39 of 2022

Ashutosh Pathak
vs.
The State West Bengal and others

Mr. Nilanjan Bhattacharjee,
Mr. Goutam Sardar,
Mr. Raj Sharma,
Mr. Madhu Jana,
Ms. Tanuka Basu,
Ms. Sikha P. Chowdhury,
Mr. Ashutosh Pathak,
Mr. Fancis Samson Correa,
Ms. Kiran Kumari Mahato, Advocates

... for the petitioner

Mr. Samrat Sen, Id. AAG,
Mr. Anirban Roy, Id. Govt. Pleader,
Mr. Nilotpall Chatterjee, Advocate

... for the State

This petition has been filed seeking a direction to the official respondents to demolish the unauthorized encroachment and construction on the extended Eastern Metropolitan Bypass adjacent to Plot Nos.70, 71, 72 situated and lying at Mouja Purandarpur, J.L. No.39 within the jurisdiction of Baruipur Police Station in the district of South 24 Parganas.

The submission of learned counsel for the petitioner is that certain unauthorized constructions have been made encroaching upon the extended Eastern Metropolitan Bypass and on account of such constructions, villagers of the locality are facing inconvenience. He has submitted that action is required to be taken by the highway authority in terms of Section 10 of the West Bengal Highways Act, 1964. But in spite of repeated representations no action has been taken.

Learned counsel for the State has submitted that if an appropriate representation is filed by the petitioner before the highway authority, then the grievance will be duly looked into.

Hence, we dispose of the present petition granting liberty to the petitioner to file a detailed comprehensive representation before the concerned highway authority and on receipt of such representation, the highway authority will take appropriate action in accordance with law as expeditiously as possible preferably within a period of 3 months from the date of receipt of the representation. If no action is taken in pursuance to the order of this Court within the stipulated time, the petitioner will be at liberty to approach this Court again.

The present petition is accordingly disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

[Prakash Shrivastava, C.J.]

[Rajarshi Bharadwaj, J.]