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jdt.

25.04.2022
jb.

W.P.A. 865 of 2019
(Md. Golam Kader & Anr. Vs. State & Ors.)

Mr. Prasenjit Mukherjee
Mr. Saptarshi Chakraborty
Ms. Poulami Dutta

.... For the Petitioners

Anwari Quraishi
Zainab Tahir

.... For the State

The grievance of the petitioners is that the private respondents have raised unauthorised construction in plot No. 566 which is recorded as pond and plot No. 566/4623 in Mouza Sounz, Police Station Mayreswar, which is classified as bank of pond (Pukur Par) .

The State respondents have submitted a report in this regard which clearly demonstrates that the said plots of land have been illegally encroached upon by the private respondents who have made unauthorised construction therein. It is candidly submitted on behalf of the State respondents that no step has been taken for removal of such construction and restoration of the plots to their original nature and character.

In view of the same, this Court is inclined to hold that as encroachment and illegal construction by the

private respondents have been detected by the State respondents, the concerned Authority should be directed to restore the pond and the bank of the pond to its original nature and character within a stipulated time frame.

Accordingly, the writ petition is disposed of directing the 10th respondent to take necessary steps for restoration of the plots in question to their original nature and character within two months from the date of communication of this order.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of this order, if applied, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)