

Item No. 1

19.07.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 2180 of 2020
Mohd. Sarifuddin Molla & Anr.
v.
The State of West Bengal & Ors.

Mr. Birendra Kumar Jha
Mr. Anish Sen
... for the petitioners.

Mr. Himadri Sikhar Chakraborty
Ms. Neelam Singh
... for the State.

Leave is granted to the learned advocate for the petitioners to implead the Executive Engineer, South 24-Parganas Division, PWD as party respondent in the writ petition.

The formality of serving a copy of the writ petition upon the added respondent stands dispensed with as learned advocate has already entered appearance on behalf of the State respondents in the matter.

The petitioners allege illegal and unauthorized construction by the respondent nos. 12, 13 and 14 in front of the land of the petitioners over R.S. Plot No. 1662, L.R. Plot Nos. 1662/3393 and 1662/3394, RS Khatian No. 342, Mouza- Kanthalberia (JL No. 74), P.S.- Basanti, District- South 24 Parganas.

The petitioners lodged complaint before the respondent authorities and FIR was also lodged before the Officer-in-Charge, Basanti Police Station.

The petitioners submit that none of the representations have been taken into consideration till date.

None appears on behalf of the persons responsible for making such construction.

Learned advocate representing the State respondents has obtained instruction from the Inspector-in-Charge, Basanti Police Station, wherein it has been clearly mentioned that the private respondents were making construction of pacca building on the PWD land beside the road in front of the house of the petitioners.

There is nothing on record to suggest that steps have been taken for removal of the unauthorized construction over the public road.

As there is a specific finding with regard to making unauthorized construction over the public road, accordingly, the Executive Engineer, South 24 Parganas Division, PWD Directorate is directed to take immediate steps for removal of the unauthorized construction made over the public road strictly in accordance with law.

The Inspector-in-Charge, Basanti Police Station as well as the Pradhan, Kanathalberia Gram Panchayat are

directed to render all necessary co-operation to the Executive Engineer, South 24 Parganas Division, PWD for removal of the unauthorized construction.

Steps shall be taken in the matter by the Executive Engineer, South 24 Parganas Division, PWD at the earliest, but positively within a period of twelve weeks from the date of communication of a copy of this order.

The writ petition stands disposed of.

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

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

Sh

(Amrita Sinha, J.)