

D/L
Item No. 55
18.05.2022
KOLE

**MAT 269 of 2021
With
IA No. CAN 1 of 2022**

**Pankaj Singh & Ors.
-Vs.-
The State of West Bengal & Ors.**

Mr. Pradip Kumar Mondal,
...for the appellants.

Mr. Rajdeep Bhattacharyya
...for the respondent no. 14.

Mr. Amitava Mitra,
...for the State.

Mr. Shyama P. Purkait,
Ms. M. Mondal,
...for the Municipality.

Affidavit of service filed in court today be kept with the records.

By consent of the parties the appeal and the application are taken up for hearing together.

The writ petitioner approached the learned Single Judge with the grievance that the private respondents had made unauthorized construction on railway land. The learned Judge called for reports from the railways, municipality and the State respondents after due inspection of the locale in question. After considering such reports, the learned Judge observed that the constructions in question were indeed illegal and were made without authority on railway land. Accordingly, the following order was passed:

“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.”

Being aggrieved, the private respondents in the writ petition have come up in appeal before us.

We have heard learned Counsel for the parties. We see no infirmity in the order under appeal. Nobody can encroach upon public land or railway land and make unauthorized construction thereon at his sweet will. The learned Judge has directed removal of unauthorized/illegal construction from railway land. The same shall be done but following due process of law. It is also made clear that all illegal/unauthorized constructions, irrespective of who has made the same, shall be removed in terms of the order of the learned Single Judge.

The appeal and the connected stay application are, accordingly, disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Arijit Banerjee, J.)

(Subhendu Samanta, J.)