

Item No. 17

23.08.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 5142 of 2022

Sri Sudipta Gupta & Ors.
v.
The State of West Bengal & Ors.

Mr. Bhagbat Choudhury
... for the petitioners.

Mr. Jahar Dutta
Mr. Bipin Ghosh
... for the State respondents.

Mr. Sankha Subhra Ray
... for the Municipality.

The petitioners allege that the respondent nos. 8 & 9 have encroached upon the public road at the time of making construction.

The respondent nos. 8 & 9 are not represented in Court today.

In view of the order that I propose to pass, no prejudice shall be caused to the non-appearing respondents, if the writ petition is disposed of by the following directions.

The Kamarhati Municipality has already filed a report before this Court which mentions that plan has been sanctioned without any encroachment of the public road. During inspection it was found that the road line has shifted towards the premises in question.

The Kamarhati Municipality is directed to consider the representation filed by the petitioners on February 11, 2022 and to ensure that the public road/lane is not encroached by any of the parties at the time of making construction.

In the event, there is any encroachment over the public road, necessary steps shall be taken for removal of the said encroachment from the public road/lane. Steps shall be taken in the matter after giving reasonable opportunity of hearing to the necessary parties including the respondent nos. 8 & 9.

A reasoned order shall be passed by the Municipality and communicated to the parties. Steps shall be taken in the matter at the earliest but positively within a period of twelve weeks from the date of communication of a copy of this order.

It is made clear that this Court has not entered into the merits of the claim of the petitioners and all points are left open to be decided at the time of consideration of the representation of the petitioners.

The writ petition stands disposed of.

The report filed by the Sub-Assistant Engineer, Kamarhati Municipality dated August 20, 2022 be retained with the records.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

Sh

(Amrita Sinha, J.)