

29-04-2022
ct no. 13
SL.64
sp

WPA 6851 of 2022

Bidyut Roy Chowdhury & Anr.

-Versus-

The State of West Bengal & Ors.

Mr. Tanmay Chowdhury,

Ms. Ritoprita Ghosh

...for the petitioners

Mr. Himadri Sikhar Chakraborty,

Mr. Arunava Maity

...for the State

The writ petitioners claim that the learned Executive Magistrate, Diamond Harbour, South 24 Parganas, has proposed to demolish encroachment and unauthorized constitution mistaken as Government land belonging to the PWD structures on the petitioners' structure on land of an order dated January 7, 2022. The said order was passed pursuant to an order of this Court dated December 6, 2021 in WPA 14330 of 2021 wherein the writ petitioner Nirmal Chandra Bag has claimed that the present writ petitioners had undertaken unauthorized constitution in from of his land, which actually belonged to the PWD. Admittedly, the petitioners were not present at the time when the inspection was conducted by the PWD.

Be that as it may, it is submitted by the counsel for the petitioner, that an appeal has been preferred before the learned District Magistrate, under the provisions of Section 10(4) of the West Bengal Highway's Act, 1964.

In that view of the matter, let demolition of the petitioners' structures be deferred and shall abide by result of the appeal that has been preferred by the petitioners stated hereinabove, before the learned District Magistrate.

The District Magistrate, South 24 Parganas, shall attempt to dispose of the said appeal, preferably within a period of three weeks from the date of communication of a copy of this order, upon due notice to the writ petitioners.

Liberty is, however, reserved to communicate a gist of the aforesaid order to the respondents.

With the aforesaid observations, the writ petition shall stand disposed of.

Instructions addressed to the learned Government Pleader by the Officer-in-Charge, Ushti, DDH Police District dated 20.04.2022 is taken on record.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)