

28 21.03.2022

gd/ssd

WPA(P) 106 OF 2021
SUBRATA MONDAL
VS
THE STATE OF WEST BENGAL & ORS.

Mr. Subhrangsu Panda,
Ms. Mithu Singha Mahapatra
..for the Petitioner.

Mr. Lalit Mohan Mahata
..for the State.

Mr. Gourav Das,
Mr. Nepesh Majhi
..for the Respondent No.7.

The grievance raised in this petition is that the private respondent no.7 has carried out the construction by encroaching the Nayanjali land just opposite to the Bartala bus stop under the Moubesia Mouza.

Learned counsel for the State has produced the notice dated 31.01.2022 issued by the Assistant Engineer, Uluberia Highway Sub-Division, PW (Roads) Directorate and has submitted that the notice under Section 10(1) of the West Bengal Highways Act, 1964 has already been issued to the respondent no.7 as he has encroached upon the government land along with Uluberia Shyampur Road alongside L.R. Plot No.1079 of Mouza Moubesia (J.L. No.81) by constructing permanent structure. He submits that the process has already been started and due action in accordance with

the provisions of Section 10 of the Act will be taken. He further submits that the last opportunity has been given to the respondent no.7 to remove the unauthorised construction by 31st March, 2022 and if the same is not removed by that date, then further action as provided in Section 10 will be taken to remove the unauthorised construction.

In view of the above, the present writ petition is disposed of by directing the competent authority to take action in accordance with the provisions of Section 10 of the Act in order to remove the alleged unauthorised construction.

Let this exercise be completed within a period of two months from today.

If the grievance of the petitioner still survives, then he will be at liberty to approach this court again.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)

