

23.11.2022
sayandeep
Sl. No. 18
Ct. No. 05

WPA 8372 of 2022

Kartick Chandra Biswas & Anr.
-Versus-
The State of West Bengal & Ors.

Mr. Anindya Lahiri
Ms. Pranati Das

.... for the petitioners

Mr. Joydip Banerjee

.....for the State

The affidavit-of-service shows that the all three private respondents have refused service.

The petitioners seek an order of the Sub-Divisional Officer, Bongaon being the respondent No. 6 to take steps in accordance with the procedure under the West Bengal Highways Act, 1964. The petitioners filed two writ petitions on earlier occasions asking for demolition and removal of concrete structures put up by the private respondents. The petitioners were granted orders at different points of time by learned Judges of this Court and by an order dated 5th April, 2022, in the second writ petition, learned Judge noted that the demolition has been completed and the debris have also been removed. The second writ petition was disposed of on that basis.

Learned counsel appearing for the petitioners places photographs in front of the petitioner's premises. The structures appear to be temporary in nature.

Learned counsel appearing for the State submits that the police have already filed a case under Section 107 of the Code of Criminal Procedure.

Upon hearing learned counsel and considering the photographs which are on record, this Court deems it fit to direct the respondent No. 6 being the SDO, Bongaon to take steps in accordance with the provisions of the 1964 Act for removing the constructions and ensuring that no further structures are constructed on the land which is the subject matter of the writ petition. It may be noted by the order dated 7th February, 2022, the District Magistrate, North 24 Parganas has come to a specific finding of encroachments being made by the private respondent. The authorities shall hence act and take steps in continuation of the order dated 7th February, 2022.

WPA 8372 of 2022 is disposed of in terms of the above.

The SDO shall take police assistance for complying with the direction, if required.

The direction shall be completed by 9th January, 2023.

(Moushumi Bhattacharya, J.)