

23
jdt.

08.12.2022
jb.

W.P.A. 14510 of 2021
(Sofiour Rahaman vs. State of West Bengal & Ors.)

Mr. Pratip Kr. Chatterjee
Ms. Chumki Das Banerjee
.... For the Petitioner

Mr. Amal Sen
Mr. Sanatan Panja
.... For the State

Mr. Usof Ali Dewan
Mr. Asif Dewan
.... For the Respondent Nos. 14,15 and 17

Exception used by the private respondents to the report submitted on behalf of the 2nd respondent is taken on record.

Heard learned counsels for the parties.

The earlier reports submitted on behalf of the State respondents indicating that the PWD land being Plot No. 45, Mouza Gramsalika, J. L. No. 121, Police Station Burwan, District Murshidabad was not encroached upon, were assailed by the petitioner. In a subsequent report submitted on 20th September, 2022 it has been recorded by the District Magistrate and Collector, Murshidabad that upon field enquiry it was detected that the alleged construction was done on the Government land being L. R. Plot No. 45.

The petitioner has prayed for demolition of unauthorised construction in the said plot being Plot No. 45.

It is submitted on behalf of the private respondents that they are not the owners of the plot in question being Plot No. 45, Mouza Gramsalika, J. L. No. 121, Police Station Burwan, District Murshidabad nor have they raised any construction therein. Learned counsel submits that the private respondents are not even necessary parties to the writ petition.

Having considered the submission made on behalf of the parties and in view of the fact that illegal construction has been detected in Plot No. 45, Mouza Gramsalika, J. L. No. 121, Police Station Burwan, District Murshidabad classified as 'road', the concerned authority should be directed to demolish such unauthorised construction, in accordance with law.

Accordingly, the writ petition is disposed of directing the Sub-Divisional Officer, Kandi, Murshidabad being the 5th respondent herein to take necessary steps for demolition of the unauthorised construction as referred to above, in accordance with law with the assistance of the other State respondents, if necessary.

The entire exercise should be completed within three months from the date of communication of this order.

The writ petition is thus disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)