

28.2.2022
Court No. 19
Item no.05
sn

WPA 17672 of 2021

Bikash Sardar & anr.
Vs.
The State of West Bengal & ors.

Mr. Saibal Acharya
Md. Yusuf Alifor the petitioners.

Mr. R. N. Chakraborty
Ms. Amrita De ...for the municipality.

Mr. Pantu Deb Roy
Mr. Anand Fermania ..for the State

In compliance of a direction of this Court, the Officer on Special Duty, Maheshtala municipality has filed a report pursuant to the joint inspection. The same is kept on record.

It appears from the report that the government land on which the road was to be constructed were situated adjacent to the lands of the petitioner. It further appears from the report that a portion of the construction of the petitioners' house have encroached into the government land. However, the municipality had produced a sketch map of the site, along with the details of the dag nos./plots belonging to the petitioners. The portions of the petitioners' land which would be required by the municipality for elevation, drainage and other works of B.B.T. Road have been identified. The details are as below :-

Dag No.	Land required (in Sqft,)
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444	371
445	1080
446	162
Total	1613 sqft.Strip of land

The municipality has fairly submitted before this Court that the lands would be taken from the petitioners as per law.

The project of road elevation, and drainage etc. are public projects and the municipality has submitted that the lands would be required for the said public purpose. The municipality is directed to proceed as per law before taking the lands of the petitioners for the public purpose.

Having considered the report, this Court is of the opinion that the disputes with regard to encroachment on the government land and the erection of house without proper sanction are not to be decided by this Court in this proceeding. The municipality is at liberty to proceed in accordance with law.

The petitioners deny that they have made constructions without any sanction and such construction has encroached into government land.

This writ petition is disposed of with a direction upon the municipality to refrain from encroaching into the lands of the petitioners as mentioned

hereinabove, except in accordance with law, for the purpose of execution of the projects.

The writ petition is disposed of.

There will be, however, no order as to costs.

All parties are directed to act on the server copy of this order.

(Shampa Sarkar, J.)