

02.08.2022
rc/ct.no.10
Item No.ML18

WPA No. 18138 of 2019
Dr. Sanat Chakraborty @ Dr Sanath Chakraborty
Versus
The State of West Bengal & Ors.

Mr. Sandipan Pal ...for the Petitioner

Mr. Bapin Baidya ...for the respondents no. 10&11

Mr. Chandi Charan De
Mr. Anirban Sarkar ...for the State

Affidavit of service filed in Court today is taken on record.

The petitioner complains the encroachment of PWD land by the respondents no. 10 and 11 who are allegedly running a country liquor shop therein. The petitioner approached the concerned authority on several occasions for removal of such unauthorised construction but to no effect.

Taking the Court to Annexure P-9 of the writ petition it is submitted on behalf of the petitioner that process of removal of the unauthorised construction has been initiated by the Assistant Engineer, Uluberia Highway Sub-Division, PW(Roads) Directorate.

It is submitted on behalf of the respondents no. 10 and 11 that they are the tenants in respect of the plot in question and running a saloon therein.

Learned counsel for the State-respondents submits that the concerned authority may be directed to conclude the process initiated by them.

Upon consideration of the submission made by the learned counsels appearing on behalf of the parties, this Court is of the view that as the process for removal of unauthorised encroachment on Government land has been initiated, the concerned authority being the Sub-Divisional Officer, Uluberia, the 6th respondent herein, should be directed to conclude the process within a stipulated time frame.

Accordingly, the writ petition is disposed of directing the 6th respondent to conclude the process of removal of unauthorised encroachment initiated by the Assistant Engineer, Uluberia Highway Sub-Division, within two months from the date of communication of this order after affording reasonable opportunity of hearing to all the affected parties including the petitioner and the respondents no. 10 and 11, in accordance with law.

With the above observations and directions this writ petition is disposed of.

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

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh,J)