

23.02.2022
rc/ct.no.10
Item No.04

WPA No. 20840 of 2021
Pradip Paul
Versus
The State of West Bengal & Ors.
(VIA VIDEO CONFERENCE)

Mrs. Susmita Saha Dutta
Mr. Niladri Saha ...for the petitioner

Mr. Chandi Charan De
Mr. Anirban Sarkarfor the State

The petitioner challenges the legality and validity of the order passed by the Sub-Divisional Officer, Gangarampur at Buniadpur on November 16, 2021. The said order directs the petitioner to remove the pucca construction made by him on public property within 7 days from the date of the order.

Learned counsel appearing on behalf of the State-respondents, in his usual fairness, submits that the Sub-Divisional Officer has no authority to pass such an order without a proceeding under Section 10 of the West Bengal Highways Act, 1964 (hereinafter referred to as the “**said Act**”) being initiated.

The order impugned dated November 16, 2021 indicates that the report of Block Land and Land Reforms Officer and Inspector-in-Charge, Harirampur Police Station suggests encroachment upon Government land by the petitioner.

In view of the above, the 3rd respondent is directed to initiate the proceeding under Section 10 of the said Act and take the proceeding to its logical conclusion within a period of three months from the date of communication of this order, after giving reasonable opportunity of hearing to all the affected parties including the petitioner and the private respondents, in accordance with law.

The operative part of the order impugned is hereby quashed/set aside.

With the above observations and directions this writ petition being WPA No. 20840 of 2021 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)