

222 04.04.2023
 RP Ct. No. 01
 AN

WPA 415 of 2020

Bimal Poria & Ors.
 Vs.
 State of West Bengal & Ors.

Mr. Tapan Kumar Mukherjee, Sr. Adv.
 Ms. Debdooti Dutta

... For State

1. By this public interest litigation the petitioners seek for appropriate direction to remove unauthorized encroachment put up by the private respondents. Based on the representation given by the petitioners, the Sub-Divisional Officer, Ghatal Irrigation Sub-Division, Irrigation and Waterways Directorate, Government of West Bengal by communication dated 1st August, 2019 addressed to Sri Bimal Jana, being the 10th respondent, directed him to remove the unauthorized and illegal encroachment, failing which administrative action will be taken for removing the same. From 2019 the said authority has not taken any further step which has prompted the petitioners to approach this Court.

2. It appears that till date unauthorized encroachment continues to exist. Unauthorized construction has not only been put up by the 10th respondent but it is alleged that the respondent nos.11 and 12 have also put up unauthorized construction. Though the private respondents have been served, none appears for the private respondents. In any event, the Sub-Divisional

Officer, Ghatal Irrigation Sub-Division, Irrigation and Waterways Directorate, Government of West Bengal having found the constructions to be illegal and unauthorized, it is the bounden duty of the authority to proceed further to remove such unauthorized construction. In fact, notice has been issued to the private respondents to remove unauthorized construction and if they have not done so, then it goes without saying that the authority will take appropriate action against such unauthorized construction.

3. In the light of the above, there will be a direction on the Sub-Divisional Officer, Ghatal Irrigation Sub-Division, Irrigation and Waterways Directorate, Government of West Bengal, being the 5th respondent, to take further action pursuant to the memo no.357/WBIW/GISD dated 1st August, 2019 and if he finds any unauthorized and illegal construction has been put up by the private respondents after issuing notice, action be taken to remove unauthorized and illegal construction. The ninth respondent, namely, the Officer-in-Charge, Daspur Police Station is directed to provide adequate protection to the authorities to carry out direction issued in this order. The directions be carried out as expeditiously as possible, preferably within a period of two months from the date of receipt of the server copy of this order.

4. With the aforesaid directions, this writ petition stands disposed of.

(T. S. Sivagnanam)
Acting Chief Justice

(Hiranmay Bhattacharyya, J.)