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14.03.2023  
d.p.

**In The High Court At Calcutta  
Constitutional Writ Jurisdiction  
Appellate Side**

**W.P.A. 2853 of 2023**

**Sri Dipak Pal  
-versus  
The State of West Bengal & Ors.**

**Mr. Arup Krishna Das.  
...For the Petitioner.**

**Mr. Manoj Malhotra,  
Mr. Suman Dey.  
...For the State.**

**Mr. Sharanya Chatterjee,  
Mr. Nepesh Majhi.  
...For the Asansol Durgapur  
Development Authority.**

A report has been filed by the S.R.O.-II-in-charge, SDL & LRO (EP-1), Asansol signed on 1<sup>st</sup> March, 2023 wherefrom it appears that the Plot No.295 which the petitioner claims to be occupying, is a public road maintained by the Public Works Department, State of West Bengal. No construction or erection of building was noticed over Plot No.295.

The construction of the petitioner was found to be existing in Plot No. 298 recorded in favour of the Land Acquisition Department and the Housing Department, State of West Bengal.

Learned advocate appearing for the Asansol Durgapur Development Authority submits, upon instructions that, the land in question was obtained after acquisition. The authority will take steps for

removal of the unauthorized encroachment in accordance with law.

It appears from the documents annexed to the writ petition and the submissions made on behalf of the parties that the impugned notice was issued by the Asansol Municipal Corporation on 31<sup>st</sup> March, 2023 directing removal of encroachment, failing which Corporation will initiate action as per law.

A civil suit has been filed by the petitioner against the Asansol Durgapur Development Authority claiming adverse possession.

The petitioner is already protected by an order of injunction passed by this Court on 3<sup>rd</sup> September, 2018 in C.O. 3241 of 2017.

It appears that there is no immediate threat of dispossession or eviction of the petitioner.

It will be open for the parties to take steps in accordance with law.

The writ petition is disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

**( Amrita Sinha, J.)**