

**WPA 5328 of 2023**

Sudharani Mondal  
Vs.  
The State of West Bengal & ors.

Adv. Mukul Biswas,  
Adv. Pradip Pal,

...for the petitioner.

Adv. Ashim Kumar Ganguly,  
Adv. Subrata Das Gupta,

...for the State.

Affidavit of service filed by the petitioner is taken on record.

Written instructions submitted on behalf of the State respondents is also taken on record.

The petitioner complains illegal encroachment of land under the West Bengal Highway Development Corporation Limited. In an earlier writ petition filed by the petitioner, being WPA 3430 of 2021, this Court, by an order passed on 2<sup>nd</sup> September, 2021 and modified on 27<sup>th</sup> September, 2022 directed the concerned authority to dispose of the application filed by the petitioner within a stipulated time frame upon affording opportunity of hearing to the interested parties.

Pursuant to the said order the Managing Director, West Bengal Highway Development Corporation Limited dealt with the matter and by an order passed on 7<sup>th</sup> November, 2022 recorded that there are occupants on Government land for the past fifteen years and there is no

reason to remove the said occupants till the land is required by the government.

It is strange to note that though the concerned authority found illegal encroachment on Government land, he refrained from removing such encroachment for reasons best known to him which may in all probability be extraneous in nature. Such a decision is not only ridiculous, but is also unknown to law.

In view of the above, this Court is inclined to hold that since encroachment upon Government land has been found by the authority, the concerned authority, being the 2<sup>nd</sup> respondent herein, is directed to take necessary steps for removal of such encroachment within one month from the date of communication of this order upon affording reasonable opportunity of hearing to all the interested persons including the petitioner, in accordance with law.

With the aforesaid directions, WPA 5328 of 2023 is disposed of.

There shall however, be no order as to costs.

Since no affidavit in opposition 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 on usual undertakings.

**(Suvra Ghosh, J.)**