

20.06.2023
Item No.1
PG/KS
Ct. No.1

W.P.A.(P) 254 of 2023
Smt. Indu Singha
VS

The State of West Bengal & Ors.

Mr. Saheb Banerjee

.....for the petitioner

Mr. Supratim Dhar

.....for the State

1. We have heard Mr. Saheb Banerjee, learned advocate for the petitioner and Mr. Supratim Dhar, learned advocate for the State.
2. This writ petition has been filed as a Public Interest Litigation alleging that there is an encroachment by putting up a cow shed on a public road.
3. The learned advocate appearing for the State has produced the written instruction given by the Inspector in Charge, Gangajalghati Police Station, District – Bankura dated 16th June, 2023.
4. Since the writ petition is being disposed of without calling for any affidavit and also the fact that the alleged encroacher has not been impleaded as a respondent in the writ petition, no positive direction, as sought for by the petitioner can be granted. However, since we find that a representation is pending

before the authorities, we direct the 3rd respondent to consider the representation given by the petitioner and take action in accordance with law. If it is found that there is any encroachment in the public land, then the matter be referred to the competent authority and the said authority after noticing to the encroacher shall take action in accordance with law.

5. We make it clear that we have not gone into the merits of the allegation made by the petitioner in this writ petition.
6. The above direction be complied with within a period of four weeks from the date of the receipt of server copy of this order.
7. The petitioner is directed to forward copies of the representation along with the copies of the order to the 3rd respondent for compliance of the above direction.
8. No costs.
9. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(AJAY KUMAR GUPTA, J.)