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22.06.2023
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 13496 of 2023

Sanjoy Biswas
Vs.
The State of West Bengal & Ors.

Mr. Tulsi Das Ray,
Mr. Tirthankar Roy
...for the petitioner

Ms. Rama Halder,
Mr. Ananda Dulal Sarkar
...for the State

Learned counsel appearing for the petitioner contends that in view of certain bamboo trees having fallen on the property of the P.W.D. authorities immediately in front of the house of the petitioner, the petitioner's only access to the main road has been blocked, thereby putting the petitioner in immense difficulty and hardship.

Despite representations having been given to all the respondent-authorities, no action has been taken by the latter in that regard.

Learned counsel appearing for the State files a police report and submits that certain bamboo trees got uprooted due to storm and are lying on a PWD link road (path) at the entrance of the petitioner.

It is further stated in the police report that already a petition has been taken out before the S.D.E.M., Krishnanagar, Nadia and in course of enquiry it could be learnt that a land dispute is going on between the petitioner and his relatives and one Manoj Biswas since long. A case has been registered in that regard.

Be that as it may, despite such private dispute going on between the petitioner and the private party, it cannot be gainsaid that certain bamboo trees have fallen on the P.W.D. link road, which is blocking the petitioner's ingress and egress in respect of his own property.

Whatever may be the outcome of the pending criminal case and/or the private dispute between the petitioner and his relatives, it is the incumbent duty of the P.W.D. authorities to remove the bamboo trees immediately, which are blocking the ingress and egress of the petitioner's property.

Despite service, none appears for the respondents apart from the State. Affidavit-of-service filed in Court today be kept on record.

In view of the above observations, W.P.A. No. 13496 of 2023 is allowed, thereby directing the respondent no. 2, that is, the Executive Engineer, Nadia Highway Division-1, PW (Roads) Directorate, District-Nadia, to remove the bamboo trees which

have fallen on the PWD link road, connecting the petitioner's property to the main road, immediately, positively within a fortnight from the date of communication of this order to the said authority.

The respondent no. 2 shall act on the written communication of the learned counsel for the petitioner, accompanied by a server copy of this order, without insisting upon prior production of a certified copy thereof for the purpose of compliance. Such removal shall be done in accordance with law.

Police report filed in court today be kept on record.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)