

Item No.241

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

04.10.2023
Ct-24

WPA 18601 of 2023
Abbas Mondal @ Tanesur Mondal & Anr.
v.
The State of West Bengal & Ors.

Ms. Shabana Hasin
Mr. Mobaidur Hossain
... for the petitioners.

Mr. Amanul Islam
Ms. Roma Roy
Mr. Sourav Mukherjee
... for the respondent nos. 10 & 11.

The petitioners allege that the private respondents raised illegal and unauthorized construction over the Panchayat road. Objection filed against such unauthorized construction is pending consideration.

Learned advocate representing the respondent nos. 10 and 11 submits that a civil suit is pending consideration in the learned Court below.

According to the provisions of law no construction can be made over a public road.

The Block Development Officer is directed to cause a spot inspection upon notice to all the necessary parties including the Panchayat to ascertain as to whether construction has been made over the public road. If it transpires that unauthorized construction has been made over the public road, necessary steps shall be taken for removal of such unauthorized construction in accordance with law.

The Block Development Officer is restrained from entering or deciding any private disputes between the parties and will restrict consideration only to the allegation of unauthorized construction over the public road.

Learned advocate for the petitioners is directed to forward a copy of the representation dated July 13, 2023 to the aforesaid respondent at the time of communicating the order of the Court.

The writ petition stands disposed of.

Affidavit-of-service filed in Court today is taken on record.

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

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(Amrita Sinha, J.)