

D/L. 19.
October 19, 2023.
MNS.

WPA No. 20191 of 2023

Animesh Maiti
Vs.
The State of West Bengal and others

Mr. Asif Iqbal,
Mr. Debdip Mondal

... for the petitioner.

Mr. Somnath Ganguli,
Mr. Balarko Sen

...for the State.

1. Learned counsel for the petitioner contends that unauthorised encroachment and constructions have been made by the private respondents on public property.
2. A representation was made by the petitioner, which has not been considered, according to the petitioner, by the respondent authorities.
3. Heard learned counsel for the parties.
4. Since the private respondents are not represented despite service, further notice on the said respondents is not directed. Affidavit-of-service filed in Court today be kept on record.,

5. In view of the above observations, WPA No. 20191 of 2023 is disposed of by directing the respondent nos. 2 and 3 to act on the representation of the petitioner and hold an enquiry within six weeks from date, if necessary, by holding appropriate inspection and looking into the relevant documents. Upon such enquiry, if the said respondents are of the *prima facie* opinion that illegal encroachment/construction has been made on public property belonging to the Public Works Department (PWD), the said respondents shall take immediate steps thereafter to ensure that due proceedings are initiated under the appropriate provisions of the law governing such encroachment at the earliest.
6. It is expected that such proceedings shall be initiated in such case within a further period of four weeks from the date of completion of such enquiry by the respondent nos. 2 and 3.
7. There will be no order as to costs.
8. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)