

19.09.2023
rc/ct.no.10
Item No.16

WPA No. 21496 of 2021
Ajit Kumar Maity
Versus
The State of West Bengal & Ors.

Mr. Sajal Kumar Ghosh
Mrs. Dipa Bhattacharya ...for the petitioner

Mr. Pantu Deb Roy for the State

Mr. S.K.Samanta ...for the respondent no. 8

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

Heard learned counsels for the parties.

The petitioner prays for implementation of the order passed by the District Magistrate, Purba Medinipur under Section 10(4) of the West Bengal Highways Act, 1964 (hereinafter referred to as "the Act of 1964") by the Assistant Engineer, Tamluk Highway Sub-Division, being the 4th respondent herein.

It appears that the appeal preferred by the private respondent under Section 10(4) of the Act of 1964 against the order passed by the Sub-Divisional Magistrate, Egra, Purba Medinipur on October 19, 2022 was disposed of by the District Magistrate, Purba Medinipur by an order passed on January 11, 2023 directing the Assistant Engineer, Tamluk Highway Sub-Division, P.W. (Roads) Directorate to take necessary steps for removal of all encroachments over the Government land in plot nos. 30 and 03, J.L.No. 117, Mouza- Nunhanda, Police Station –

Bhagwanpur within 30 days from the date of communication of the order, under the provision of the Act of 1964 with the assistance of all concerned authorities. The said order has admittedly not been implemented till date.

In view of the above, the writ petition is disposed of directing the 4th respondent to take necessary steps for implementation of the order passed by the District Magistrate, Purba Medinipur on January 11, 2023 under Section 10(4) of the Act of 1964 within one month from the date of communication of this order.

The 7th respondent is directed to render all possible assistance to the 4th respondent in implementation of the said order.

With the above observation and direction this writ petition is disposed of.

There shall be, however, no order as to costs.

Since no affidavit 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 upon compliance of necessary formalities.

(Suvra Ghosh,J)