

11.07.2023
Item No.14
RP
Ct. No.1

WPA 23801 of 2019
With
IA No.CAN 1 of 2020
(Old No.CAN 807 of 2020)

SRI RADHABALLAV DOLAI & ORS.
VS.
THE STATE OF WEST BENGAL & ORS.

Ms. Pampa Dey Dhabal
Mr. Manabendra Thakur
Mr. Soumak Bera
Mr. Swarup Kumar Ghosh
... for Petitioners

Mr. T.M. Siddiqui, AGP
Mr. S. Adak
... For State

Mr. Tirthapati Acharyya
Mr. Subrata Santra
... For respondent no.9 to 31

1. Affidavit-of-service filed in Court today be taken on record.
2. We have perused the affidavit filed in support of the application for deletion of the name of the deceased respondent no.27, namely, Sri Chandicharan Dhani and find sufficient cause has been shown by the applicant for deleting the name of the said respondent from the array of respondents. Accordingly, CAN 1 of 2020 (Old No.CAN 807 of 2020) is allowed.
3. This writ petition has been filed as public interest litigation alleging that the private respondents have

encroached a road by putting up unauthorized construction etc. In this regard a detailed representation has been given by the petitioners to the authorities on 12.09.2019 and since no action has been taken on the said representation, this writ petition was filed on 10.01.2020.

4. The respondents are represented by their respective learned advocates. To consider the fact that there is an allegation with regard to encroachment in a public road and unauthorized construction have been put up thereon, it is appropriate for the authorities to conduct an inspection of the road and, if finds any unauthorized construction has been put up thereon, action should be taken for removal of the same.
5. In the light of the above, we direct the sixth respondent, namely, the Block Development Officer, to conduct an inspection of the entire road and public notice of such inspection be issued in the locality and during the course of inspection the width of the road should be measured and if there is any encroachment, demarcation has to be made and the encroachers shall be given a reasonable time of about 10 days to remove the encroachment, failing which the authorities shall proceed to demolish the unauthorized construction. The above direction be complied with within eight weeks

from the date of receipt of the server copy of this order. An action taken report be submitted by the Block Development Officer to the second respondent, namely, the District Magistrate, Paschim Medinipur.

6. With the above observation, the writ petition stands disposed of.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)