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12.09.2023
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 26274 of 2022

**Smt. Sanaka Mukherjee
-versus
The State of West Bengal & Ors.**

**Mr. Partha Pratim Roy,
Mr. Dyutiman Banerjee..
...For the Petitioner.**

**Mr. N.C. Bihani,
Ms. Papiya Banerjee Bihani,
Mr. Soumyajit Ghosh.
...For the Municipality.**

**Mr. Asish Kumar Guha,
Mr. Rajendra Chaturvedi.
...For the State.**

Upon hearing the submissions made on behalf of all the parties and upon perusal of the materials on record produced before this Court, it appears that certain unauthorized construction exists over the public road. For the purpose of free vehicular movement, the obstruction is required to be removed.

The respondent Municipality upon consultation with the land authority and the PWD is directed to take appropriate steps for removal of the unauthorized structures which are obstructing free vehicular movement of the public road.

Steps shall be taken in the matter after giving a reasonable opportunity of hearing to the owners or

person(s) responsible for making such unauthorized construction.

The owners/occupiers of the unauthorized construction will be obliged to shift if it is found that the construction is causing obstruction in the free vehicular movement or there is requirement of widening of the road.

The writ petition stands disposed of.

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

(Amrita Sinha, J.)