

05
04.10.2023
mb

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 8242 of 2020

Kanailal Bakli & Anr.
Vs,
The State of West Bengal & Ors.

Mr. Indrajit Biswas,
Mr. Rakesh Kumar Pandey
...for the petitioners

Mr. Bibek Jyoti Basu,
Mr. Manicklal De
...for the State

1. The petitioners' grievance is that despite complaints lodged by the petitioners, unauthorized encroachment made on public property by the private respondents has not been taken care of by the respondents by initiating appropriating proceedings.
2. It is submitted that the encroachment is on a highway property.
3. Learned counsel for the State seeks some time to obtain appropriate instructions in the matter. However, in view of the innocuous nature of the order proposed, such prayer for adjournment is refused.
4. W.P.A. No. 8242 of 2020 is disposed of by directing the respondent-authorities to

ascertain by way of an enquiry as to whether the private respondents are encroaching upon any portion of highway property or public property. Such enquiry shall be conducted at the earliest, positively within four working weeks from date.

5. Upon such enquiry being made, if it is found that there is actually encroachment by private respondents, due proceedings under appropriate Act shall be initiated immediately thereafter by the respondent-authorities. It is expected that such proceeding shall reach its logical culmination at the earliest.
6. There will be no order as to costs.
7. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.
8. Leave is granted to the learned advocate on record for the petitioners to file affidavit of service during the course of the day.

Sabyasachi Bhattacharyya, J.