

01.08.2023
A.P.
Item No.47

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Constitutional Writ Jurisdiction**

**WPA No. 298 of 2023
Sri Sourav Das & Anr.**

Vs.

The District Magistrate Jalpaiguri & Anr.

Mr. Bhaskar Roy Mahashaya
Mr. Sujit Sarkar

...for the Petitioner

Mr. Subir Kumar Saha
Momenur Rahaman

... for the State.

Heard learned counsels for the parties.

By an order passed on 3rd March, 2023, this Court recorded that it appeared from the submission made on behalf of the parties that admittedly the encroachment on the public road had been identified and necessary direction passed for removal of the same. The concerned authority was directed to proceed with the work of removal and unauthorized encroachment in accordance with the finding of the Block Land and Land Reforms Officer and the PWD (Roads), N.H. Section-VI. This order was carried in appeal by the private respondents and by an order

passed on 14th June, 2023 in M.A.T. 44 of 2023, an Hon'ble Division Bench of this Court directed as follows: - "In the event any final demolition order is passed the same shall be communicated to the appellant within 48 hours and shall not be implemented for a period of 7 days from the date of communication of this order.

In the event, any final order is passed against the appellant/applicant, it shall not be implemented for a period of one week from the date of communication of the said order."

Learned counsel for the petitioner submits that the order of the Hon'ble Division Bench has not been complied with by the authority who has not passed the final order as yet.

It is submitted on behalf of the respondents that the 6th respondent be directed to pass necessary order in accordance with law.

In view of the above, the writ petition is disposed of directing the 6th respondent to pass a final order in terms of the direction of the Hon'ble Division Bench as stated above within one month from the date of communication of this order upon affording reasonable opportunity of hearing to all the interested persons including the petitioner and the private respondent, in accordance with law.

The direction given by the Hon'ble Division Bench should be followed in its letter and spirit.

In view of the above observation, the writ petition being W.P.A. 298 of 2022 is disposed of.

There shall however be 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)