

02-08-2023
Court No.2
Sh/38.

**In The High Court At Calcutta
Jalpaiguri Circuit Bench**

W.P.A. 1229 of 2023

**Anil Mondal
-Vs-
The State of West Bengal & Ors.**

Mr. Debanjan Das

..For the Petitioner.

Mr. Subir Kumar Saha, AGP,

Mr. Momenur Rahaman.

.. For the Respondents.

Affidavit of service filed in Court today be taken on record.

None appears for the private respondents in spite of service.

It is contended on behalf of the petitioner that the petitioner alleged blockage of pathway leading to his house by the private respondents. Pursuant to an order passed by a Co-ordinate Bench of this Court on 8th December, 2022 in WPA 2119 of 2022 directing the State authorities to remove the said blockage within seven days from the date of the order, the blockage was admittedly removed. The petitioner submits that the private respondents have again blocked the egress and ingress of the petitioner, restraining the petitioner from using the pathway in question.

Learned counsel for the State respondents submits, on instruction, that after removal of the encroachment in compliance with the earlier order of this Court, no further encroachment has been made by the private respondents and the pathway in question is

free from any encroachment as on this date. Learned counsel further submits that pursuant to a complaint lodged by the petitioner a criminal proceeding has been initiated against the private respondents and charge sheet has been submitted therein.

In the present application, the petitioner has prayed for removal of encroachment from the pathway leading to his house and necessary assistance for protection of life and property.

In view of the submissions made on behalf of the State respondents, nothing further remains to be adjudicated in the writ petition and the same is accordingly disposed of.

However, the State respondents are directed to ensure that no encroachment is made upon any land belonging to the State authorities with regard to the writ petition.

With the above observations and directions this writ petition being WPA 1229 of 2023 is disposed of.

There shall be no order as to costs.

Since no affidavit has been called for, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties expeditiously on compliance of all requisite formalities.

(Suvra Ghosh, J.)