

Item No.7
01.12.2023
Court. No. 2
GB

*CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE JURISDICTION*

WPA 2420 of 2023

Bimal Bhowal
VS
The State of West Bengal & Ors.

*Mr. Sayan Chattopadhyay,
Mr. Debjit Kundu*

...for the Petitioner.

*Mr. Hirak Barman,
Mr. Bikash Singha*

...for the State.

Mr. Pretom Das

...for the Municipality.

Mr. Bapi Das

...for the Respondent Nos.8 to 10.

The petitioner alleges that the respondent nos.8 to 10 have made a construction on a PWD road, which has obstructed the petitioner's ingress and egress. According to the petitioner, any construction on government land was illegal and the law empowered the authorities to take steps for removal of such encroachment.

The learned advocate for the respondent nos.8 to 10 submits that no construction had been made on any government land. A temporary shed had been constructed, which could not be termed as an illegal construction.

The learned advocate for the municipality submits that the land belongs to the PWD. The PWD authorities have filed a written statement, prepared by the office of

the Executive Engineer, Jalpaiguri Highway Division, Public Works (Road) Directorate. It appears that the highway is maintained by the PWD, but the shed is not on the highway. The shed, according to the PWD, is on a land belonging to the Jalpaiguri Zilla Parishad.

This Court is of the view that the petitioner should approach the Jalpaiguri Zilla Parishad for necessary action in this regard, and/or the District Magistrate, who is the Chief Executive Officer of the Zilla Parishad. If such application is filed before the Zilla Parishad and/or the District Magistrate, the same shall be disposed of expeditiously, preferably within a period of two months from the date of communication of this order, upon hearing the petitioner, the respondent nos.8 to 10 and the PWD authorities. A reasoned order shall be passed and communicated to all concerned.

Accordingly, the writ petition is disposed of.

However, there shall be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)