

D/L. 8 to 10.
April 8, 2024.
MNS.

WPA No. 2050 of 2023
Sri Debananda Panda
Vs.
The State of West Bengal and others
with
WPA No. 9374 of 2024
Ahmed Hossain Ali Shah
Vs.
The State of West Bengal and others
with
WPA No. 9375 of 2024
Raipur Paschimbarh Gram Panchayat
and another
Vs.
The State of West Bengal and others

Mr. Amal Krishna Samanta,
Mr. Arun Kumar Das

...for the petitioner in
WPA No. 2050 of 2023.

Mr. Atarup Banerjee,
Mr. Abu Sohel,
Mr. Rajdeep Pramanik

... for the petitioner in
WPA No. 9374 of 2024.

Mr. Soumen Kumar Dutta,
Mr. Subham Dutta

...for the petitioners in
WPA No. 9375 of 2024.

Mr. Santanu Kumar Mitra,
Mr. Amartya Pal

...for the State in
WPA No. 2050 of 2023.

Md. Ahsanuzzaman,
Mr. Krishna Keshab Pal

...for the State in
WPA No. 9374 of 2024

Ms. Kakali Samajpaty,
Mr. Mahish Biswas

...for the State in
WPA No. 9375 of 2024.

1. The three writ petitions have been preferred in connection with the same property.
2. There have been allegations and counter-allegations regarding the petitioners in two of the matters having made constructions beyond the permission granted to them.
3. There are also allegations on behalf of the local Panchayat to the extent that by way of the construction, a '*Nayanjuli*' has been covered, thereby encroaching property beyond permission granted to the person constructing.
4. It transpires from the report submitted by the respondent authorities that already a proceeding has been initiated under Section 10(1) of the West Bengal Highways Act, 1964 (1964 Act).
5. It is also submitted that the report had been sought and filed and demarcation has been made regarding the extent of the unauthorized temporary construction on PWD land.
6. The issues raised in the writ petitions are premature.
7. Since a proceeding has been initiated under Section 10(1) of the 1964 Act, the grievances of all the respective parties, either supporting the construction or against the same, shall

only be decided by the appropriate authority under the 1964 Act in connection with the said proceeding.

8. Hence, liberty is given to the local Panchayat as well as all other interested parties to apply before the respondent authorities before whom the matter is pending to have themselves impleaded in the proceeding and being heard.
9. If such applications are made within a week from date, the concerned authority before which the matter is pending shall give an opportunity of hearing to all the applicants and upon considering their objections/submissions, comprehensively decide the question of unauthorised encroachment, if any, and take necessary steps regarding demolition/removal.
10. It is expected that the entire exercise shall be concluded at the earliest, preferably within 12 weeks from this date.
11. It is made clear that none of the contentions raised by the parties in the present writ petitions have been dealt with on merits and it will be open to the concerned authority to decide the issues independently and in accordance with law.

12. WPA No. 2050 of 2023, WPA No. 9374 of 2024 and WPA No. 9375 of 2024 are disposed of in the light of the above observations.

13. There will be no order as to costs.

14. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)