

Item No.63
23.09.2024
Court. No. 9
GB

W.P.A. 2100 of 2024

Sri Manojit Lahiri
Vs.
The State of West Bengal & Ors.

Mr. Dhananjay Nayak

...for the Petitioner.

*Mr. A. Banerjee,
Mr. D. Chatterjee*

...for the State.

Ms. Shanta Sarkar

...for the Respondent Nos.8 to 11.

1. The petitioner alleges that the respondent nos.8 to 11 have made certain unauthorized constructions on the land belonging to the Public Works Department, thereby, obstructing the ingress and egress of the petitioner. It is alleged that the said respondent had also encroached into a portion of the petitioner's own property.
2. The learned advocate for the respondent nos.8 to 11 submits that they are leaseholders in respect of such land since long. That the petitioner had raised his construction without maintaining adequate side space.
3. The petitioner has already approached the Executive Engineer, Nadia Highway Division-II, Public Works (Roads Directorate) with his grievance. The authority concerned shall proceed in accordance with law, by disposing of such grievance as per the relevant Statute.
4. It is made clear that before any decision is taken, a spot inspection shall be made in the presence of the

respective parties and a report thereof shall be supplied to the parties. The parties shall be entitled to file their written objection/response to such report and thereafter the matter shall be heard in accordance with the provisions of the applicable law. The allegation that the petitioner has not constructed according to the rules, shall also be decided.

5. This Court has not gone into the merits of the contentions of the parties and leaves it to the authority to take appropriate decision and steps if any encroachment or unauthorized construction over public land is detected.
6. The entire exercise shall be completed within a period of four months from the date of communication of this order.
7. Accordingly the writ petition is disposed of.
8. However, there will be no order as to costs.
9. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)