

15 31.01.2024
NB Ct. 14

WPA 4926 of 2022

Md. Musa Desai
Vs.
The State of West Bengal & Ors.

Mr. Musharraf Alam Sk.
...for the petitioner.

Ms. Manika Roy
...for the NHAI.

No one appears on behalf of the State.

On the last two occasions i.e. on 05.12.2023 and 29.01.2024, no one represented the State or prayed for any adjournment.

Learned counsel appearing on behalf of the petitioner submits that the property in question belongs to him and there are encroachers having shops at the front side of the property, which is blocking the egress and ingress of the petitioner's property.

On the other hand, learned counsel for the NHAI submits that the property being Plot No.870, L.R. Khatian No.5381 having an area of 0.3 decimal at under PS Kaliachak actually belongs to NHAI. There are encroachers in the said land and NHAI is ready to cooperate in any eviction drive for removing those encroachers.

On an earlier occasion, it was submitted on behalf of the State after relying on the report filed that the land in question actually belonged to the petitioner and another piece of land was there in front of the petitioner's land that belong to the

NHAI. But there are encroachers who are trying to block the egress and ingress of the petitioner.

Therefore, it is an admitted position at least between the appearing parties that there are encroachers on the land in question. The private parties shall be at liberty to approach the State for initiating an eviction drive with proper notice or even approach a Court of law for such purpose.

However, none of the encroachers would have any right to block the egress and ingress of the petitioner. Therefore, the petitioner shall be at liberty to remove such encroachers with the help of police. If any such application is made by him, the same shall be decided expeditiously and in accordance with law.

The police authorities, especially the respondent no.4 shall keep a sharp vigil at the locale and ensure that no breach of peace takes place.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)