

11.03.2024

Ct. no.654

Sl. No.169

SS

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION**

**WPA 6640 of 2023
(specially assigned)**

**Himadri Bhowmik
Vs.
State of West Bengal & Ors.**

Mr. Raj Kr. Sain
..for the petitioner

Mr. Soumitra Bandopadhyay
Mr. Subhasis Bandopadhyay
... for the State

Affidavit of service filed on behalf of the petitioner is taken on record.

By the present writ petition, the petitioner has prayed for direction upon the respondent authorities for eviction of unauthorised occupants from the Government land situated in front of the rayati land of the petitioner.

Mr. Raj Kr. Sain, learned Advocate for the petitioner submits that the private respondent nos.8 to 14 have made illegal construction over the Government land, that is, on the abandoned portion of the P.W.D. (Roads) land blocking the front portion of the *rayati* land of the petitioner. Due to such reason the petitioner is facing problem in his ingress and egress. The petitioner made representation before the authority concerned on 17th February, 2023, however, no step has been taken as yet. Hence, this writ petition for appropriate direction.

Mr. Soumitra Bandopadhyay, learned Advocate for the State-respondent produces the report of the Assistant Engineer, Tamluk Highway Sub-Division, Public Works (Roads) Directorate, the respondent no.5, which is taken on record. He submits that as per the report there is no unauthorised construction found on the P.W.D. (Roads) land and as such, the writ petition is liable to be dismissed.

Upon going through the report of the Assistant Engineer, Tamluk Highway Sub-Division, Public Works (Roads) Directorate, the respondent no.5, it is found that there is no unauthorised construction found on the P.W.D. (Roads) land. As such the contention raised in the writ petition of unauthorised construction over P.W.D. (Roads) land, falls short of merit.

In view of the above, the writ petition being **WPA 6640 of 2023** stands dismissed.

All connected applications, if any, stand dismissed.

Interim order, if any, stands vacated.

There shall be no order as to costs.

All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

Urgent photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)