

22.11.2024

Ct. no.39

Sl. Nos.19&20

ss

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

**WPA 5419 of 2023**

(speically assigned)

**Sri Baidyanath Panja**

**Vs.**

**The State of West Bengal & ors.**

**With**

**WPA 7366 of 2023**

**(specially assigned)**

**Tarak Das**

**Vs.**

**State of West Bengal & Ors.**

Mr. Sk. Ashiq Iqbal

Mr. Rameshwar Sinha

Ms. Debanjana Sen

... for the petitioner in WPA 5419 of 2023 &  
for the private respondent in WPA 7366 of  
2023

Mr. Soumitra Bandyopadhyay

Mr. Subhasis Bandyopadhyay

... for the State in WPA 5419 of 2023

Mr. Chandi Charan De, Ld. AGP

Mr. Anirban Sarkar

... for the State in WPA 7366 of 2023

Both the writ petitions are taken up together since  
the issue involved in the writ petitions is similar.

Report in the form of affidavit filed by the State-  
respondent in WPA 7366 of 2023 is taken on record.

On the prayer of the learned Advocate for the writ  
petitioner in WPA 5419 of 2023, leave is granted to  
implead the Sub-Divisional Officer, Uluberia as  
respondent no.12.

The writ petition being WPA 5419 of 2023 is filed by  
the petitioner for initiating an appropriate proceeding in

accordance with law against the private-respondent nos.10 and 11 for demolishing the illegal construction over the Government land within plot no.4322, Mouza-Paschim Bainan, P.S.-Bagnan, Howrah.

The writ petition being WPA 7366 of 2023 is filed by the petitioner, Tarak Das (respondent no.10 in WPA 5419 of 2023) praying for an order directing the respondent authorities not to dispossess the petitioner without due process of law in respect of 4-storeyed building in L.R. plot no. 4322 under J.L. No.9, Mouza Paschim Bainan, District Howrah.

None appears on behalf of the petitioner in WPA 7366 of 2023 (respondent nos.10 in WPA 5419 of 2023). On the last occasion i.e. 11<sup>th</sup> November, 2024, the petitioner in WPA 7366 of 2023 failed to appear.

Mr. Ashiq Iqbal, learned Advocate for the petitioner in WPA 5419 of 2023 submits that due to illegal and unauthorised construction over the Government land under LR Plot No.4322, J.L. No.9, Mouza Paschim Bainan, District Howrah, the egress and ingress of the petitioner's land comprised within plot no.4319 has been affected. Accordingly, the petitioner has filed the writ petition for removal of such illegal and unauthorised construction over the Government land by the respondent nos.10 and 11.

Mr. Soumitra Bandopadhyay, learned Advocate for the State-respondents submits that already letters have

been issued to the Sub-Divisional Officer, Uluberia for taking steps under Section 10(2) of the West Bengal Highways Act, 1964 for removal of the encroachment over Government land. He seeks that direction be issued upon the Sub-Divisional Officer, Uluberia, added respondent no.12, to take appropriate steps as per Section 10(2) of the Act of 1964 in terms of letter under Memo No.607/TS-117/22 dated 19.12.2022 of the Assistant Engineer, Uluberia Highway Sub-Division, Public Works (Roads) Dte.

Upon perusal of the report of the State submitted in in WPA 5419 of 2023, it is found that for removal of the encroachment upon the Government land within plot no.4322, J.L. No.9, Mouza Paschim Bainan on Bagnan-Bainan-Gaighata Road which belongs to the PWD, a notice was issued under Section 10(1) of the West Bengal Highways Act, 1964 to respondent no.10 by the Assistant Engineer, Uluberia Highway Sub-Division, Public Works (Roads) Department vide letter under Memo No.434/S-5 dated 13<sup>th</sup> September, 2022. Despite such notice, encroachment was not removed. Thereafter, the Assistant Engineer, Uluberia Highway Sub-Division, Public Works (Roads) Dte vided letter under Memo No.607/TS-117/22 dated 19<sup>th</sup> December, 2022 asked the Sub-Divisional Officer, Uluberia to take steps for removal of the encroachment over Government land under Section 10(2) of the Act of 1964.

Mr. Bandopadhyay, learned Advocate for the State-respondent in his usual fairness submits that the State authorities shall take appropriate steps for removal of the encroachment over Government land.

In light of the aforesaid submissions, the added respondent no.12, Sub-Divisional Officer, Uluberia is directed to take appropriate steps as per Section 10(2) of the Act of 1964 for removal of the encroachment over the Government land within L.R. Plot No.4322 J.L. No.9 under Mouza Paschim Bainan, P.S.-Bagnan, District Howrah in terms of letter of the Assistant Engineer, Uluberia Sub-Division dated 19<sup>th</sup> December, 2022 within a period of three months from the date of communication of this order.

Learned Advocate for the petitioner in WPA 5419 of 2023 is directed to communicate this order to the added respondent no.12, Sub-Divisional Officer, Uluberia.

With the above observations, both the writ petitions being **WPA 5419 of 2023** and **WPA 7366 of 2023** stand disposed of.

All connected applications, if any, stand disposed of.

There will be, however, no order as to costs.

Interim order, if any, stands vacated.

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

Urgent photostat copy of this order, if applied for, be given to the parties upon compliance of necessary legal formalities.

**(Bivas Pattanayak, J.)**