

14.05.2024
Item No. 42
Ct. 33
cm

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
(Appellate Side)**

W.P.A. 12206 of 2023

**Mabul Islam.
-versus
The State of West Bengal & Ors.**

**Mr. Prosenjit Mukherjee
Mr. Aslam Parvez
...For the Petitioner.**

**Mr. Rajarshi Basu
Mr. Parikshit Goswami
... For the respondent Nos.1 to 9**

**Mr. Amal Kumar Banerjee
... for the private respondent Nos. 15 & 16**

**Mr. Sandipan Banerjee
Mr. Arijit Bhattacharyya
.... For the respondent No.10 to 13**

Heard the submission of the learned advocates
for the respective parties.

The instant writ petition has been filed *inter alia*
praying for following orders:

- a) *“A writ of and/or in the nature of mandamus do issued directed Birbhum Zila Parishad and other appropriate authorities to demolish the unauthorized illegal structure at the road belong to Birbhum Zila Parishad within a period of two weeks from the date of order;*
- b) *A Writ of and/or in the nature of Mandamus do issue commanding the respondents being Birbhum Zila Parishad to initiate a proceeding for demolition of unauthorized structure at Plot No. 4463 , Mouza Rudranagar under police Station Paikar in the District of Birbhum;*

- c) *A writ in the nature of mandamus do issue directing the concerned police authorities for rendering adequate police help for demolition of unauthorized structure at Plot No. 4463 constructed at the instance of the private respondent;*
- d) *A writ in the nature of certiorari directing the respondents to produce the records before this Court so that the conscionable justice may be rendered;*
- e) *Rule NISI in terms of prayers (a) (b) and (c) above in the event no cause or insufficient cause is shown, to make the said Rule absolute;*
- f) *Interim order of direction directing Birbhum Zilla Parishad to initiate a proceeding of demolition of illegal construction in the L.R. Plot 4463 under Mouza Rudranagar during the pendency of the writ petition”.*

The learned advocate for the petitioner submits that the road of his residential house has been encroached by an unauthorized construction by the private respondents affecting his egress and ingress. Several enquires were done with regard to the road to be in the jurisdiction of either the P.W.D or the Birbhum Zilla Parishad. It has been finally decided to be the property belonging to the Birbhum Zilla Parishad.

The learned advocate for the petitioner further submits to have filed an application before the District authorities i.e. District Magistrate and the Sub Divisional Officers for demolition of the unauthorized construction at Plot No. 4463 under Mouza Rudranagar District Birbhum J.L. No. 137 encroached by the private respondents to demolish the illegal construction at the aforesaid plot.

The writ petition is accordingly disposed of by directing the respondent No.10/ Birbhum Zilla Parishad is to take necessary steps in accordance with the provisions of Section 160A(3) and the Section 160A(6) of the West Bengal Panchayat Act, 1973 and in case it is determined that the illegal construction has been

occasioned on the road in question necessary steps for demolition of the same should be accomplished.

The learned advocate for the State is to provide necessary support in terms of manpower and also seek assistance of the police administration of the District as well as the District Magistrate. The entire excise should be completed within a period of six months.

With the above observation, the instant writ petition is disposed.

Parties to act on a server copy of this order duly downloaded from the official website of this Court.

(Ananya Bandyopadhyay, J.)