

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

84 09.12.2024
Sc Ct. no.2

WPA 18209 OF 2024

Kartick Maji & Ors.

Vs.

The State of West Bengal & Ors.

Mr. Supratim Dhar

Mr. Keshab Chandra Das.

.... For the Petitioners

Mr. Chandi Charan De, AGP

Mr. Anirban Sarkar

Ms. Reshma Chatterjee.

.... For the Respondents

Mr. Supratim Dhar, learned senior counsel appears for the petitioners.

Mr. Chandi Charan De, learned Additional Government Pleader appears for the respondents State.

This order shall be effected only upon payment of nine individual court fees on this writ petition, since one has been paid, the rest **eight** will have to be paid. Subject to this condition this order shall be effected.

Referring to an order dated **March 20, 2024**, **Annexure-P3 at page 29** to the writ petition learned senior counsel for the petitioners submits that, an order was passed under **sub-Section (3)** to **Section 10** of the **West Bengal Highways Act, 1964**. Referring to the said order he submits that, an encroachment was found

at the behest of these petitioners and immediately the petitioners have removed that encroachment.

Referring to another notice dated **July 4, 2024, Annexure-P4 at page 31** to the writ petition learned senior counsel for the petitioners submits that, even after removal of the encroachment already pointed out by the State authority, this notice was served.

Referring to **Annexure-P5 at page 32** to the writ petition learned senior counsel for the petitioners submits that, they have already explained their position with regard to the removed encroachment. Thus being aggrieved this writ petition has been filed.

In view of the above, the respondent no.9 upon issuing a prior notice to the petitioners shall cause a physical inspection of the alleged encroachment as mentioned in the said impugned notice dated **July 4, 2024, Annexure-P4 at page 31** to the writ petition and shall file a report with a proper sketch map if there is any encroachment. Copy of the report shall be submitted to the petitioners also.

This exercise shall be carried out and completed by the respondent no.9 positively within a period of **four weeks** from the date of communication of this order.

In the event the inspection report confirms encroachment at the behest of the petitioners, then the same shall be submitted before the jurisdictional Assistant Engineer, PWD who shall take all the

necessary and consequential steps in accordance with law.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions, this writ petition, **WPA 18209 of 2024** stands ***disposed of***, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)