

WPA 19979 OF 2024

Rabi Begam

Vs.

The State of West Bengal & Ors.

Mr. Krishnendu Sarkar
Mr. Amit Roy
Mr. Soupal Chatterjee
Ms. Mekhla Das.

.... For the Petitioner

Mr. Lalit Mohan Mahata
Mr. Prasanta Behari Mahata.

.... For the State
Respondents

Upon urgency being pleaded on behalf of the petitioner and in view of the determination being assigned before this Court today, this writ petition has been taken up for consideration by publishing the same in the supplementary list.

Mr. Krishnendu Sarkar, learned counsel appears for the petitioner.

Mr. Lalit Mohan Mahata, learned Additional Government Pleader appears for the respondents.

On the basis of the case sought to be made out in the writ petition, learned counsel for the petitioner submits that, there was a microphone announcement on yesterday at the instance of the office of the respondent no.6 for self-removal of unauthorized construction and encroachment on the public highways. The petitioner has

been threatened that, though the petitioner's construction is with a valid sanctioned plan and without any encroachment and unauthorized construction on the public highways, the same has to be removed by the petitioner also. Hence, this writ petition.

Learned Additional Government Pleader Mr. Lalit Mohan Mahata appearing for the respondents submits that, no proceeding for removal of encroachment has yet been initiated. Merely microphone announcement has been held in the locale for self-removal of encroachment and unauthorized construction on the public highways.

After considering the submissions made on behalf of the parties it is observed by this Court that, in the event any proceeding is initiated for removal of unauthorized construction or encroachment on the public land and if the petitioner is also identified as an alleged encroacher then the appropriate prior notice shall be served upon the petitioner and the State authority shall take all further steps strictly in the established procedure of law.

Learned counsel for the petitioner undertakes to file affidavit-of-service in course of the day.

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

With the above observations and directions this writ petition, **WPA 19979 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.)