

36
Court no. 14
05.01.2024
D.Hira

W.P.A. 24529 of 2023

**Sk. Shahjahan & Ors.
-versus
State of West Bengal & Ors.**

**Mr. S. Ganguly,
MR. Lalratan Mondal,
Mr. Dilip Kumar Sadhu.
... for the petitioners**

**Ms. Sonel Sinha,
Mr. Avishek Prasad.
... for the State**

**Ms. Aiswarjya Gupta.
... for the respondent
nos. 7 to 10**

Affidavit-of-service filed on behalf of the petitioner in Court today is taken on record.

Report filed on behalf of the State is also taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The private respondents are carrying on illegal construction by the side of a highway thereby blocking the egress and ingress to the petitioner's property. The petitioner had approached this Court earlier. A direction was passed by the appropriate authority to look into the matter. On 17.01.2023 the Assistant Engineer, Purulia Highway Sub-Division, Public Works Department (Road), Directorate passed an order that if the encroachment was not removed within the specified time, necessary action will be taken under Section 10 of the Highways Act, 1964 in accordance with law. In spite of that the private respondents have continued to undertake the construction illegally. When objected to, the petitioner was

assaulted. Threats are being given to the petitioner and his family members.

Learned counsel appearing on behalf of the private respondents denies the allegations made in the writ petition and submits that the writ petition pertains to land matter.

Learned counsel appearing on behalf of the State relies on the report and submits that on the complaint of the petitioner, a proceeding was initiated under Section 107 of the Code.

It is true that further relief of the petitioner may lie before the land authorities. However, it is the duty of the police administration to ensure that law and order is maintained.

The apprehensions of the petitioner also do not seem to be devoid of any basis. In fact, the police have already given on the complaint of the petitioner by initiating a proceeding under Section 107 of the Code.

The police authorities shall keep a vigil at the locale and ensure that no breach of peace takes place. The surveillance shall include frequent visits by the police patrol.

With these observations, the writ petition is disposed of.

Since no affidavits have been directed to be exchanged in the writ petition, all the allegations contained therein are deemed not to have been admitted by the parties.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Jay Sengupta, J.)