

Item No.8
05.08.2024
Court. No. 9
GB

W.P.A. 28638 of 2023

Dipankar Roy
Vs.
The Union of India & Ors.

Mr. Aninda Bose,
Mr. Shounak Ghosh,
Mr. Sakhawat Khandakar,
Ms. Swati Jha

...for the Petitioner.

Mr. Nilanjan Bhattacharyya,
Mr. Debapriya Samanta

...for the U.O.I.

Mr. Biswabrata Basu Mallick

...for the State.

Mr. Ziaul Haque,
Ms. Sahina Khatun

...for the Respondent Nos.22 to 31.

Affidavit-of-service filed in Court today, is taken on record.

As it is submitted by the learned advocate for the respondents including the alleged encroachers that all unauthorized occupants/encroachers have been removed from the government land being Dag No.183 and 183/626 of Mouza – Karial, this Court is of the view that no orders can be passed in this writ petition.

The petitioner is at liberty to approach the Executive Engineer, National Highway Division No.VII, Public Work (Roads) Directorate with his allegation that the encroachment continues. If such complaint is made before the concerned authority, the authority shall act and proceed in accordance with law upon making necessary enquiry and inspection of the site in question in the presence of the petitioner as also the respondent nos.17 to 31.

In case any encroachment is detected on the land right in front of the proposed petrol pump, the authority must proceed in accordance with law and decide the entire issue within a period of four months from the date of communication of this order. The order shall be communicated to all parties.

Needless to mention, principles of natural justice shall be followed and any report that may be prepared at the time of inspection or thereafter for demarcation of the land in question, shall also be supplied to the parties. Parties shall be also entitled to file their response to the said report before a final decision is taken upon hearing the parties.

Accordingly, writ petition is disposed of.

However, there will be no order as to costs.

Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)