

20.12.2024
Sl.No.ADSL2
Ct. No.15
S.A.

WPA 30043 of 2024

Sushil Gupta & Anr.

-vs-

The State of West Bengal & Ors.

Mr. Sumitaiva Chakraborty

Ms. Oindrila Ghosal

...for the petitioners

Mr. Sandipan Banerjee

Ms. Ina Bhattacharyya

...for Kolkata Municipal Corporation

Mr. Supratim Dhar

Mr. S. Ganguly

...for the State

It appears that by an order dated June 20, 2024, issued under Section 10(3) of the West Bengal Highways Act, 1964, the Sub-Divisional Magistrate, Gangarampur, directed the recovery of possession and removal of unauthorised encroachments from P.W. (Roads) land bearing plot no. 815, JL no. 028, Mouza-Harirampur, District Dakshin Dinajpur.

This order was unsuccessfully challenged by the petitioners through an appeal under Section 10(4) of the West Bengal Highways Act, 1964, before the District Magistrate, Dakshin Dinajpur.

The grievance of the petitioners is summarised in paragraph 7 of the writ petition, which is quoted as follows:

“That it is specifically stated before the District Magistrate that the plot in question being plot no.815 was never notified as highway under Section 3 of the Act. The

petitioners' predecessor has its recorded land being plot no.813, which is just adjacent to the plot in question being plot no.815, and herein the private respondent also has its land at plot no.814. The aforesaid three plots are so intermingled that it cannot be so easily demarcated, and the Sub Divisional Magistrate has passed the impugned order without demarcating and locating the actual alleged encroachment, if at all. It is further germane to be mentioned that plot no.815 is a large plot, spreading more than acres of land, and there are hundreds of tin-shed rooms over there."

The petitioners fear that the execution of the Sub-Divisional Magistrate's order dated June 20, 2024, will result in their eviction from plot no. 813. Referring to the record of rights attached to the writ petition, the petitioners assert their rightful possession of plot no. 813.

I find no reason to keep this writ petition pending.

Accordingly, I dispose of this writ petition with a direction to the State to implement the demolition order dated June 20, 2024, with respect to plot no. 815, after due demarcation of the said land.

The State shall ensure the execution of the order is carried out only after proper demarcation in relation to plot nos. 813, 814 and 815. The demarcation shall be completed within two weeks

from the date. Following the demarcation, the State shall be at liberty to implement the order dated June 20, 2024.

Accordingly, **WPA 30043 of 2024** is disposed of.

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

(Kausik Chanda, J.)