

10.03.2025
Ct. No. 30
S.L. No.36
SM

WPA 1962 of 2020
Surajit Chakraborty & Ors.
Vs.
Khardah Municipality & Ors.

Mr. Samiddha Sankar Sengupta
Ms. Bidhisha Chakraborty
.....for the petitioner
Mr. Koushik Roy
.....for the respondent no. 1 to 3

Mr. Ziaul Haque
.....for the State

The present writ application has been preferred praying direction upon the respondents specifically the respondent no. 2 and 3 to construct a drainage system in the area mentioned in the present case by removing encroachments which have been made illegally.

In course of hearing the respondents have filed various reports in respect of the area in the present case.

In the report dated 18th March, 2021 it has been stated as follows by the Executive Officer of Khardah Municipality:-

“The total drainage system of Khardah Municipality stands as surface drain, so the question of erecting underground drain does not arise at all and we are unable to make surface drain instead of underground drain as proposed by them. Beside that, as some pieces of land belongs to R.R (Refugee Relief and

*Rehabilitation) Department **Municipal Authority is unable to ascertain the actual width of kacha road though the applicant are demanding that the width of the road is 14 ft. but only 9 ft. width is found there at. Hence, if B.L.L.R.O Authority, sodepur give us a sketch map of the width of the said kacha road, we would make Pakka road with surface drain by uplifting the kacha road to nearest Municipal road and drain.”***

In view of the said report of the said Executive Officer of Khardah Municipality, the respondent no. 4 herein is directed to provide a sketch map of the area including the ‘kacha’ road.

The said map be supplied within 15 days from the date of communication of this order. The respondent no. 2 and 3 shall then take up the matter of making the said road ‘pucca’ as per the map which will be provided. The width of the road shall be as per the map provided by the concerned BL & LRO. In case there is any encroachment the Municipality will be at liberty to take necessary action in accordance with law/rules.

The Municipality shall also proceed to make a surface drain along the said road to provide drainage facility to the area in question. The said process shall be completed within 60 days from the

date of being provided with the copy of the map as directed.

The respondent/Municipality shall also approach the appropriate authority in the meantime to get the fund required for construction of the said road and surface drain with a copy of this order to the appropriate authority for immediate sanction of funds.

The writ application stands disposed of.

Applications, if any, connected thereto stand disposed of consequently.

Interim order, if any, stands vacated.

Photostat certified copy of this order, if applied for, being given to the parties on priority basis upon compliance of all formalities.

[Shampa Dutt (Paul). J]