

26.03.2025
Sl. No. 126
Ct No. 3
SG

WPA 4468 of 2025

**Dipak Kumar Giri
Vs
The State of West Bengal & Ors.**

Mr. Sounak Bhattacharya,
Mr. Sounak Mondal,
Mr. Abhirup Halder,
Mr. A.S. Roy.
...for the petitioner

Mrs. Jyotsna Roy Mukherjee,
Ms. Srijani Mukherjee.
...for the State respondent

Mr. Koushik Chatterjee,
Mr. N. Adhikari,
Ms. O. Sinha,
Mr. N. Sharma,
..for respondent nos. 2, 3 & 4

1. Affidavit-of-service filed in the Court today is taken on record.
2. The present writ petition has been instituted by the petitioner assailing the legality of notices dated 03.09.2024 and 13.01.2025, issued by the respondent municipality, directing the removal of a diesel generator set allegedly placed on public land, thereby causing obstruction to pedestrian movement.
3. It is the case of the petitioner that he is running a restaurant and lodge in the name and style of 'Deb Jyoti Lodge & Niketa Restaurant' situated at Contai Bus Terminus, Mouza – Jalal Khanbar/Kishorenagar in Plot Nos. 495 and 496, Stall Nos. 20 and 33

measuring 3950 square feet. He had installed a diesel generator set in front of the said restaurant in one side. The respondent-municipality issued a notice dated 03.09.2024 asking the petitioner to remove the said diesel generator set as it is kept on the municipal land and causing unauthorized obstruction to the people. It is contended by the petitioner that he had responded to the notice of the respondent. In order to substantiate his case, the petitioner has handed over a photograph of the diesel generator set installed outside his restaurant.

4. Learned Counsel for the respondent-Contai Municipality states that the diesel generator set has been installed by the petitioner on the government land, whereby constituting an encroachment. It is further submitted that an inspection was conducted by the municipal authorities, pursuant to which a notice dated 13.01.2025 was issued, directing the petitioner to remove the encroaching structure. The petitioner, in response, has produced a photograph of the generator set in question, allegedly evidencing its placement.

5. This Court has carefully heard the arguments advanced by both the parties and perused the documents placed on record.

6. Upon perusal of the materials placed before this Court, including the photographic evidence it is

apparent that the diesel generator set encroaches upon the municipal land.

7. This Court finds no illegality in the notice issued by the respondent-Contai Municipality as there is an encroachment on the public land. In view thereof, this Court is not inclined to interfere with the present writ petition and quash the notices dated 03.09.2024 and 13.01.2025 which has been issued against the petitioner for encroaching upon the public land and installing a diesel generator set without obtaining necessary permission from the Contai Municipality. The Contai Municipality is at liberty to remove the same in accordance with law.

8. With the above direction, the present writ petition is dismissed.

9. There shall be no order as to costs.

10. Let urgent Photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Gaurang Kanth, J.)