

13.05.2025

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Ct. No.7
sdas

WPA 4330 of 2022

Sri Srikanta Roy
Vs.
The State of West Bengal & Ors.

Mr. Tanmay Basu
Mr. Manas Adak
.....for the petitioner

Mr. Pantu Deb Roy
Mr. Pannalal Bandopadhyay
..... for the State

Mr. Suddhadev Adak
Ms. Richa Pramanik
..... for the private respondent nos. 5 &
6

Report as produced by Mr. Deb Roy, learned advocate representing the State, is taken on record.

The present writ petition has been preferred seeking a direction upon the concerned respondent nos. 5 and 6 to take next follow-up actions to clear the encroachment from the land belonged to Public Works Department (hereinafter referred to as 'PWD') by private respondent nos. 5 and 6.

The petitioner previously preferred the writ petition being WPA No. 10567 of 2021, *inter alia*, alleging that the concerned private respondents encroached upon the land belonged to PWD. The writ petition, WPA no. 10567 of

2021 was disposed of by an order dated 23rd June, 2021, directing the concerned respondents to take decision on the issue after affording an opportunity of hearing to the petitioner and those private respondents.

Pursuant thereto, the Assistant Engineer of PWD after conducting an enquiry concluded that the concerned private respondents encroached upon certain portions of the land belonged to PWD. Hence, upon issuance of notice under Section 10(1) of the West Bengal Highways Act, 1964 (hereinafter referred to as the 'Act'), the concerned private respondents were directed to clear the encroachment from the land belonged to PWD (Road Department). In the notice, the Assistant Engineer informed that the demarcation programme would be conducted in assistance of Block Land & Land Reforms Officer (in short 'BL& LRO') concerned as per his convenience to verify the position of cantilever of the house of the respondent nos. 5 and 6. The petitioner alleged that except issuance of that letter, no further step has been taken, prompting the petitioner to approach this Court with the present writ petition.

Mr. Adak, learned advocate representing the private respondent nos. 5 and 6, submits that all encroachments have been removed by the concerned private respondents. Inviting my attention to the prayer portion of the earlier writ petition preferred by the petitioner, being WPA 10567 of 2021, in which the petitioner sought a direction upon

the concerned respondents to allow him to cultivate vegetables as was being previously done by him for the last 17 years, he also submits that basically, the petitioner wants to utilize the land belonging to the PWD by way of cultivation.

Mr. Deb Roy, learned advocate representing the State, by producing a communication dated 23rd September, 2021 from the Sub-Divisional Officer, submits that the instructions contained in the notice under Section 10(1) of the Act have been complied with by the concerned private respondents. However, certain building materials have been stacked on the said land by the concerned private respondent nos. 5 and 6 herein.

In reply, Mr. Adak submits that he has specific instructions that the private respondents have removed all sorts of building materials, and he also assures this Court that they will remove any such materials if found to be kept on the land belonging to the PWD.

Since the order passed by a co-ordinate Bench of this Court in the previous writ petition, being WPA No. 10567 of 2021, has been complied with and the encroachment has been removed from the land belonging to the PWD, I am of the view that no further interference is warranted.

Accordingly, the writ petition is disposed of without any further order.

There shall be no order as to costs.

(Partha Sarathi Chatterjee, J.)