

ML 43
03.03.2025
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 11381 of 2023

**Dulal Chandra Jana & Ors.
-versus
State of West Bengal & Ors.**

**Mr. Praloy Bhattacharjee,
Ms. Tanushree Ghosh,
Ms. Sarbani Chakraborty,
Mr. Koushik Roy.
...For the Petitioners.**

**Mr. Amal Kumar Sen, AGP,
Ms. Ashima Das (Sil).
...For the State.**

**Mr. Souri Ghosal,
Mr. Subhajit Mukherjee.
...For the Respondent
Nos. 9 & 10.**

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

2. The petitioners alleges inaction on the part of the respondent authorities, officers of the PWD (Roads) Directorate, to take steps in response to the legal representation filed on behalf of the petitioners praying for removal of the unauthorized structure over the PWD land blocking their ingress and egress.

3. Learned advocate appearing on behalf of the private respondents admits that the structure has been constructed over the PWD land.

4. It has been submitted that the private respondents are running a small business from the said place by obtaining Trade License from the Gram Panchayat.

5. Learned advocate appearing on behalf of the private respondents submits that the structure in question is a temporary one and can be removed.

6. No permission/license has been produced from any authority permitting the private respondents to raise construction and carry on business over the government land.

7. As it has been admitted by the learned advocate representing the private respondents that the structure has been constructed over the government land, accordingly, the private respondents would be bound to remove the said structure.

8. As it has been submitted by the learned advocate appearing on behalf of the private respondents that the structure may be removed, accordingly, the private respondents are directed to remove their structure by 31st March, 2025.

9. If the structure is not removed by the aforesaid date, the Executive Engineer, PWD, (Roads), Directorate, Diamond Harbour Division shall take necessary steps to remove the unauthorized encroachers from the government plot of land in accordance with law.

10. It will be open for the Executive Engineer to take the assistance of the Officer-in-Charge, Kakdwip Police Station for the purpose of removal of the unauthorized structure and the occupants.

11. The writ petition stands disposed of.

12. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)