

03-03-2025
Item No.60 ML
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.18149 of 2023

Abdul Basir Seikh

-vs-

The State of West Bengal & Ors.

Mr. S.K. Bhattacharya
Mr. A.K. Chakrabarti ...for the petitioner

Mr. Asish Kumar Guha
Mr. Rajendra Chaturvedi ...for the State

Mr. Debapriya Samanta
Mr. Suhotro Palit ...for the private respondent

1. The petitioner's representation before the Executive Engineer, Murshidabad Highway Division-II, PWD (Roads) for removal of the unauthorized occupants who are blocking the free ingress and egress of the petitioner's property is pending consideration for a considerable period of time.
2. Learned counsel for the private respondents submits, upon instructions, that there are several villagers occupying the subject land since time immemorial.
3. Learned counsel for the private respondents has not been able to produce any licence/permission granted by the PWD authority permitting them to occupy the government land.
4. Till there is a formal permission/licence from the authority, no one can be permitted to occupy and encroach upon the government land.

5. In view of the above, the instant writ petition is disposed of by directing the Executive Engineer, Murshidabad Highway Division-II (PWD [Roads] Department) to consider and dispose of the petitioner's representation in accordance with law, after giving a reasonable opportunity of hearing to all the necessary parties, at the earliest but positively within twelve weeks from the date of communication of this order.
6. If any unauthorized occupants/encroachers are found occupying any government land, then immediate necessary steps shall be taken to remove them in accordance with law.
7. Learned counsel for the petitioner shall forward a copy of the representation seeking consideration to the aforesaid respondent at the time of communicating this order.
8. Leave is granted to the advocate-on-record for the petitioner to rectify the description of the sixth and seventh respondent in the cause title of the writ petition in course of this day.
9. All parties are to act on the server copy of this order duly downloaded from the official website of this court.
10. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

