

10.02.2025

Item No.11
Crt.No.02
b.r.

WPA 24338 of 2024

Subir Chakraborty
-vs-
The State of West Bengal & Ors.

Mr. Lakshminath Bhattacharya
..... for the petitioner.

Mr. Soumitra Bandyopadhyay, Sr. Govt. Adv.
Mr. Subhasis Bandyopadhyay
.... For the State.

Mr. Pankaj Halder
Mr. Tapas Kumar Mondal
.... For the Prodhan.

The orders already passed in this writ petition from time to time, speak for themselves.

Today, when the matter has been taken up for consideration, Mr. Pankaj Halder, learned counsel appearing for the Panchayat places a letter of instruction dated **January 20, 2025** issued under the seal and signature of the concerned Prodhan addressed to him, the same is taken on record. The letter shows that whatever foundation and construction was there, though on PWD land and not on the land of the petitioner, creating obstruction to the egress and ingress of the petitioner to his residential premises has already been removed. While taking steps for removal, petitioner along with others were present and in his presence, the construction was removed. The letter further shows that the foundation on

which the construction was there is underneath the earth and the same does not create any trouble for the petitioner for his easy egress and ingress to his property. The letter further shows that immediately adjacent to the said foundation there is a foundation for 11000 KV capacity of high tension electricity pole and if the foundation which is in existence underneath the earth is to be removed, there may a chance of serious casualties in the village in so far as the high tension electricity pole is concerned. From the letter, it appears that the petitioner was present and petitioner is aware of the fact now that the existing foundation underneath the earth does not create any obstruction to the free egress and ingress of the petitioner to his property.

On the contrary, both the learned counsel for the Panchayat and Mr. Soumitra Bandyopadhyay, learned State counsel submit that the petitioner himself has encroached a substantial portion of PWD land and constructed part of his residential property. Mr. Pankaj Halder, learned advocate for the Panchayat submits that hearing has already taken place where the petitioner was present and the issue is now pending before the jurisdictional Sub-Divisional Officer for taking steps in accordance with law.

Learned counsel for the petitioner has denied and disputed the submissions made on behalf of the Panchayat and also on behalf of the State.

Be that as it may, this Court expects that if any unauthorized construction has been done by the petitioner upon encroaching PWD land, the jurisdictional authority shall take steps in accordance with law.

Nothing further remains in this writ petition. Accordingly, this writ petition, **WPA 24338 of 2024** stands **disposed of**, without any order as to costs.

(Aniruddha Roy, J.)