

20.02.2025
Item No.14
RP/SG
Ct. No.01

WPA(P) 459 OF 2024

**Jyotirmoy Kumar Mondal & Anr.
VS.
The State of West Bengal & Ors.**

Mr. Sabyasachi Chatterjee
Mr. Debdip Mandal

....For Petitioners

Mr. Jaharlal Dey, Ld. AGP
Mr. Supratim Dhar, Sr. Adv.

....For State

1. By filing this public interest litigation the petitioners allege that the private respondent nos.9 to 15 have encroached the West Bengal Highway lands. In spite of representation being made, no action has been initiated.
2. Learned advocate appearing for the State submitted that the third respondent is the competent authority to take action in respect of encroachment of highway land by exercising power under the provisions of the Highways Act.
3. Accordingly, the writ petition shall be treated as a complaint of the writ petitioners and the third respondent shall first cause an inspection in regard to highways land in question and examine as to whether there is any encroachment made by the private respondents on highways land and if it is found that there is encroachment immediate action should be initiated under Section 10 of the West Bengal Highways

Act. This direction be complied with within a period of six weeks from the date of receipt of the server copy.

4. The petitioners are directed to appear in person in the office of the Assistant Engineer and give a copy of the representation and a copy of the writ petition as well as a copy of this order to enable the officer to comply with the above direction.
5. The writ petition is, thus, disposed of.

(T.S. SIVAGNANAM)
CHIEF JUSTICE

(CHAITALI CHATTERJEE (DAS), J.)