

20.03.2025
Item No.365,ML
Court No.19
AJ.

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION**

W.P.A. 11524 of 2020

I.A. No. CAN 1 of 2025

Bablu Pal & Anr.

-Vs-

The State of West Bengal & Ors.

Mr. B.N. Ray,
Ms. Shetparna Ray.
....for the petitioners.

Mr. Chandi Charan De, Ld. A.G.P.,
Ms. Chandana Ghosh.
...for the State.

In Re: CAN 1 of 2025

A notice was directed to be served upon the respondent no.10 but un-served postal articles have returned with the postal endorsement 'addressee dead'. The petitioners have taken out the present application to expunge the name of the deceased respondent no.10.

The petitioner since is not willing to proceed against the heirs and legal representatives of the said deceased respondent, the name of the said deceased respondent be expunged from the cause title of the writ petition.

Department is directed to take appropriate steps in this regard.

CAN 1 of 2025 is, thus, disposed of without any order as to costs.

In Re: WPA 11524 of 2020

As prayed for, leave is granted to Ms. Shetparna Ray, learned Advocate for the petitioners to add the

Assistant Engineer, Public Works Department (PWD), Roads, Hooghly Division-I as party respondent to the writ petition.

The State since has been represented by Mr. Chandi Charan De, learned Additional Government Pleader, no further notice need be given to the added respondent.

Ms. Ray submits that the petitioners had jointly purchased 11.50 decimal and 19.50 decimal of lands comprised in L.R. Dag No. 2551 having L.R. Khatian Nos. 2259 and 2957 under Mouza : Kalachara J.L. No. 54 Police Station : Chanditala, District : Hooghly. In front of the said land there is PWD Roads but due to illegal encroachments on the said road, the petitioners are unable to take access to their purchased land. She further submits that the petitioners though have lodged several complaints with the authorities for removal of the said unauthorized structures, but no action has been taken.

Mr. De submits that if there is any encroachment on PWD Roads, the concerned Assistant Engineer is the appropriate authority under the West Bengal Highways Act, 1964 to take steps for removal of such encroachments but the petitioners have not approached the said authority.

Having heard the learned Advocates for the parties and on perusal of the materials-on-record, this Court grants liberty to the petitioners to file an

application before the added respondent for an action to be taken under Section 10 of the said Act of 1964 and if such an application is filed, the said respondent shall take immediate steps in accordance with law for removal of the unauthorized structures on the PWD Road, if there be any.

The drill in this regard is required to be completed expeditiously preferably, within a period of eight weeks from the date of communication of this order.

WPA 11524 of 2020 is disposed of with the above terms without any order as to costs.

Since no affidavit has been invited, the allegations made in the writ petition are deemed to have been denied by the respondents.

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

(Biswajit Basu, J.)