

20.
30-06-2022
debajyoti
(Ct. no.06)

CPAN 50 of 2022
in
WPA 18664 of 2019

Subhas Chandra Kamila & Anr.
Vs.
Mr. Sibesh Pandit & Anr.

Mr. Debnarayan Patra
... For the Petitioners.

Mr. Suchindram Bhattacharjee
... For the alleged Contemnors.

Read order dated March 24, 2022.

Affidavit-in-Reply filed on behalf of the petitioners be taken on record.

Learned advocate for the respondents says that the order of this Court has been substantially complied with. Pursuant to the order, a notice was issued under Section 10(1) of the West Bengal Highways Act, 1964 to the private respondents. Upon their failure to remove the encroachment, application was made under Section 10(2) of the said Act before the concerned Executive Magistrate. By an order dated May 11, 2022, passed under Section 10(3) of the said Act, the Executive Magistrate has authorized the concerned Assistant Engineer, PWD (Roads), Kakdwip Highway Division, to take necessary steps for removal of the encroachment in question and recover possession of the subject public land.

Under Section 10(4) of the said Act, the encroachers/private respondents had 15 days' time to

prefer appeal. Such time period has expired. No appeal has been preferred.

Under the circumstances, the order of the Executive Magistrate has attained finality and needs to be implemented immediately. Learned advocate for the alleged contemnors says that police help was applied for on June 28, 2022.

I direct the concerned Assistant Engineer to execute the order of the Executive Magistrate passed on May 11, 2022 and the Superintendent of Police, Sundarban Police District is directed to render all necessary assistance and extend all cooperation immediately to the said Assistant Engineer for implementation of the Executive Magistrate's order dated May 11, 2022. It is expected that the encroachment will stand removed before the next date of hearing.

List the matter once again on July 14, 2022 when the alleged contemnors should file a final Affidavit-of-Compliance.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Arijit Banerjee, J.)