

Court No. 2

06.8.2024

(Item No. ADSL
2)

(AB)

**IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 19951 of 2024

Smt. Ranu Kamilya (Khatua) & Anr.

VS

The State of West Bengal & Ors.

Mr. Soumyajit Thakur

Ms. Anandamoyi Ghosh

.... For the petitioners

Mr. Soumitra Bandyopadhyay

Mr. Priyabrata Batabyal

.... For the State

Mr. P. Das

Ms. Madhumita Patra

Mr. Swapan Chakraborty

..... for respondent No. 6

Upon urgency being pleaded on behalf of the petitioners and in view of the determination being assigned before this Court today, this writ petition has been taken up for consideration by publishing the same in the supplementary list.

By an order dated **September 22, 2023**, **annexure P-2** at **page 40** to the writ petition, passed in the previous writ petition **W.P.A. 14058 of 2023**, a co-ordinate bench directed the Assistant Engineer, P.W.D. to initiate a proceeding under **Section 10 of the West Bengal Highways Act, 1964**, in the event, the demarcation report directed to be prepared by the respondent No. 8 shows that, the encroachment caused by the writ petitioners on the P.W.D. land or any part thereof. The report of the respondent No. 8 is not made the part of this writ petition. The

petitioners contend that such report has never been served upon the petitioners.

The presentation form on this writ petition shows that, this writ petition has been filed under the West Bengal Panchayat Act, 1973. Through this writ petition the petitioners have impugned a notice dated **July 29, 2024** issued by the respondent No. 10, the concerned Zilla Parishad. The said impugned notice shows that within 10 days of receipt of the said notice dated July 29, 2024 the encroachment shall be removed, if it is not removed by the petitioners. The said notice further shows that, from the report of the respondent No. 8 it appears that, the encroachment had happened on the land of the concerned Zilla Parishad and therefore the Zilla Parishad is the jurisdictional authority to remove the encroachment.

Mr. Goutam Thakur, learned advocate appearing for the petitioners submits that, the land even does not belong to the Zilla Parishad but of the concerned Panchayat. He further submits that, concerned Panchayat is the jurisdictional authority to take steps if there is any such encroachment on the Panchayat land. However, the concerned Panchayat or its Pradhan are not impleaded.

In view of the above, the petitioners pray for leave to implead the concerned Panchayat and its Pradhan in the writ petition as party respondents.

For the ends of justice, such leave is granted.

The petitioners shall implead the concerned Panchayat and its Pradhan as party respondents in the writ petition by putting the signature of the advocate on record of the petitioners on the cause title of the original writ petition. The petitioners then shall serve copy of the amended writ petition upon the non-appearing respondents and the added respondents and shall file an affidavit of service when the matter shall be taken up next by the regular bench.

The respondent No. 8 shall produce the demarcation report on the next day through the learned State counsel appearing in the matter.

The petitioners shall be at liberty to mention this writ petition before the appropriate bench upon notice to the respondents. In the meantime, if any step is taken, the same shall abide by the result of the writ petition.

(Aniruddha Roy, J.)