

WP(C) No. 535 of 2014

BEFORE

HON'BLE THE ACTING CHIEF JUSTICE MR. N. KOTISWAR SINGH

31.10.2017

Heard Mr. Sh. Tombisana, learned counsel for the petitioner. Heard also Mr. Samarjit H., learned GA for the State. None appears for the private respondents.

In this petition, the petitioner has sought for a direction to the State Respondents to evict the Respondents no. 4 and 5 from illegally occupying the inter village road under Dag No. 1254 by making unauthorised construction.

It has been submitted by Mr. Samarjit H., learned GA that there was an enquiry initiated by the SDC which found encroachment on public premises on the inter village road as alleged by the petitioner. However, as the petitioner was absent in the subsequent proceedings, the said application was dismissed. This Court fails to understand how after a finding is arrived at by the public authority of encroachment of public premises by unauthorised persons, the said application should be dismissed without considering as to the proposed actions to be taken to deal with encroachment of public premises. Accordingly, this Court directs the Respondents no. 2 and 2 (a) to initiate fresh proceedings against the unauthorised persons including the respondents no. 4 and 5 who are found to have encroached the public premises as alleged and take appropriate actions for evicting the unauthorised persons in accordance with law. The aforesaid exercise should be undertaken by the aforesaid respondent authorities within a period of 1 (one) month from today. The result of the proceeding of the eviction process shall be furnished to the High Court through the Registrar General of the High Court after completion of the eviction proceedings.

Petition stands disposed of accordingly.

ACTING CHIEF JUSTICE

Sushil