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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 703 of 2021
(Via Video Conference)

Bapi Biswas & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Timir Baran Saha
... For the petitioners.

Mr. Ansar Mandal,
Mr. Sougata Mitra
... For the State.

Ms. Saswati Chatterjee
.... For the respondents no.6 & 7

The petitioners allege unauthorized construction made by respondents no. 6 and 7 (private respondent) on the land of Public Works Department (in short, PWD), which according to the petitioner forms part of State Highway. The petitioners say that by such illegal construction the ingress and egress of the petitioners from their jointly owned land onto the main road and/or thoroughfare have been disturbed. The petitioners have written to the Executive Engineer, PWD, Nadia Division, making specific complaint as against the private respondents and the difficulties faced by the writ petitioners, being the joint owners of the property to enter the same and exit therefrom.

Being aggrieved by the inaction on the part

of the Executive Engineer, PWD, the petitioners have filed the instant writ petition.

After filing of the writ petition, the concerned Assistant Engineer, PWD, Plassey Sub-Division (respondent no.5), has requested the Block Land & Land Reforms Officer, Tehatta-I, Tehatta, Nadia, to demarcate the PWD land along with the identification of encroachment in front of plot no.286, JL no.066, Mouza – Nazirpur, P.S. Tehatta, District – Nadia. A copy of the said letter made over to the Court is taken on record.

Since the Assistant Engineer, being the respondent no.5 has already taken steps and has requested the Block Land & Land Reforms Officer for demarcation, it cannot be said that there is inaction on the part of the said respondents no. 3 and 5.

The writ petition is disposed of by directing the Block Land & Land Reforms Officer, Tehatta – I, Tehatta, Nadia, to take necessary steps in terms of the letter dated 27th January, 2021, issued by the respondent no.5. The exercise should be undertaken by the Block Land & Land Reforms Officer, Tehatta – I, Tehatta, Nadia, at the earliest but not beyond four months from date.

After the necessary demarcation, the Block Land & Land Reforms Officer, Tehatta – I, Tehatta, Nadia and the Executive Engineer, being the

respondent no.3 shall inform the petitioners in writing as to the result of such inspection and demarcation. The petitioners are directed to serve a copy of the order on the Block Land & Land Reforms Officer, Tehatta-I, Tehatta, Nadia, since he is not a party to the writ petition.

Since I have not called for any affidavits, the allegations contained in the writ petition are deemed to have not been admitted by the respondents.

Urgent photostat certified copy of this order, if applied for, is to be given to the parties upon compliance with the necessary formalities.

(Arindam Mukherjee, J.)