

19.03.2021
(S/L-12)
Ct.-18
(P. Jana)

(Via Video Conference)

W.P.A. 4840 of 2019

Sri Dibakar Bera

-Vs-

The State of West Bengal & Ors.

Mr. Raj Kumar Sain,
..... For the Petitioner.

Mr. Susovan Sengupta,
Mr. Manas Kumar Sadhu,
..... For the State.

Affidavit of service filed in Court today be kept with the record.

The petitioner complains that the private respondent nos. 8, 9 and 10 have encroached upon the Govt. land in front of the land of the petitioner and have put construction thereon.

The petitioner further complains that the said private respondents by putting the said construction are causing disturbance to the petitioner in peaceful enjoyment of his land.

The grievance of the petitioner is that by a representation dated January 22, 2019 appearing at page 38 of the writ petition being Annexure P-4 he invited the authorities including the Executive Engineer (PWD) Roads, Tamluk Highway Division, the respondent no. 2 herein, to exercise the jurisdiction vested on them by virtue of Section 10 of the West Bengal Highways Act, 1964 to remove the said unauthorized encroachment on the Govt. land

but the said authorities have not done anything till date.

Mr. Susovan Sengupta, learned counsel appearing on behalf of the State respondents, submits that the respondent no. 2 is the appropriate authority to deal with the grievance of the petitioner.

WPA 4840 OF 2019 is disposed of by directing the respondent no. 2 to consider and dispose of the aforesaid representation of the petitioner in accordance with law by a reasoned order in terms of Section 10 of the aforesaid Act of 1964 after giving all concerned parties an opportunity of hearing.

The said respondent is required to complete his exercise in this regard within a period of eight weeks from the date of communication of this order and shall communicate his decision to the petitioner and the respondent nos. 8, 9 and 10.

The petitioner shall serve a complete copy of the writ petition along with the copy of this order upon the respondent no. 2 within a week from date.

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

No order as to costs.

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

(Biswajit Basu, J.)