

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE
(Through Video Conference)

WPA 7677 of 2021
(Assigned)

Bablu Manna
Vs.
The State of West Bengal & Ors.

Mr. Varun Kothari
... For the petitioner

Mr. Soumitra Bandopadhyay
Mr. Srikanta Paul
... For the State

The petitioner says that a road maintained by the Public Works Department, Government of West Bengal (in short “PWD”), connecting Nandigram to Chandipur Highway in the district of Purba Medinipur is in front of his house situate at plot nos. 141 and 145, Mouza – Bheturia under Police Station – Nandigram in the district of Purba Medinipur. The respondents no.13, 14 and 15 (private respondents), according to the petitioner, had constructed a *pucca* structure on the PWD land situate between the metal portion of the road and the petitioner’s premises. The petitioner had made a representation to the Executive Engineer, Tamluk Highway Division, Public Works Department (Roads), Tamluk, District – Purba Medinipur, on 4th January, 2021 informing about such act of the private respondents. The petitioner had also made

representations on the same date to the District Magistrate, Purba Medinipur; the Superintendent of Police, Tamluk, Purba Medinipur; the Assistant Engineer, Haldia Highway Sub-Division, PWD (Roads); the SDO Haldia, Purba Medinipur; the Block Development Officer, Nandigram-II Block; the Officer-in-Charge, Nandigram Police Station and the BL & LRO, Nandigram, Purba Medinipur.

The moot question as appears from the materials on record and the submissions made on behalf of the petitioner and the State is the allegation of unauthorised construction and encroachment of Government land. The Executive Engineer, Tamluk Highway Division, PWD (Roads), Directorate, Government of West Bengal, is the authority who should look into the issue and if necessary may call for necessary demarcation by the concerned BL & LRO regarding the Government land. The matter before the concerned Executive Engineer has to be brought to a logical conclusion otherwise no temporary measure will be of any avail. The matter is, therefore, taken up in the absence of the private respondents.

The said Executive Engineer shall dispose of the petitioner's representation dated 4th January, 2021 in accordance with law after affording a reasonable opportunity to the petitioner, respondents no.13, 14 and 15 and State representative to represent their respective

cases. The Executive Engineer in order to dispose of the case may obtain a report from the concerned BL & LRO as to the nature and character of the land said to have been encroached upon by the private respondents.

The Executive Engineer will also be free to have the land demarcated and if it is found that the land on which the private respondents have allegedly made *pucca* construction is a Government land, necessary steps as a consequence thereof shall follow.

The Executive Engineer shall dispose of the petitioner's representation dated 4th January, 2021 within a period of six months from date by a reasoned order and shall communicate his decision to the petitioner and the private respondents.

The petitioner shall communicate a copy of this order within seven days from date to the respondents no.4 and 5, respectively, being the Executive Engineer, Tamluk Highway Division, PWD (Roads) Directorate and the Assistant Engineer, Haldia Highway Sub-Division, PWD (Roads) Directorate.

Nothing further remains to be adjudicated in this writ petition. The same is disposed of accordingly without any order as to costs.

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

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

(Arindam Mukherjee, J.)