

S/L 3
12.07.2021
Court. No. 19
GB

W.P.A. 10799 of 2021

Md. Nefajuddin Sk.
Vs.
The State of West Bengal & Ors.

(Through Video Conference)

*Mr. Probal Sarkar,
Mr. Lalratan Mondal.*

...for the Petitioner.

*Ms. Chama Mookherji,
Mr. Siraj Goopta.*

...for the State.

This writ petition has been filed alleging that the PWD authorities have failed to take any action against the respondent Nos.12 to 16 for their encroachment and occupation of a road constructed by the PWD, situated in front of Mouza – Banshbari, J.L. No.21, L.R. Khatian No.1271, L.R. Plot No.415 and 8 Decimal, L.R. Plot No.411 Mouza – Banshberi, J.L. No.21, L.R. Khatian No.1271, P.S. and District – Murshidabad.

It is the contention of the petitioner that the respondent nos.12 to 16 have illegally encroached into the PWD road and have occupied the same. Such illegal encroachment has hindered the petitioner's ingress and egress to his land.

Ms. Mookherji, learned senior Government advocate submits that the petitioner has not described the road over which such illegal occupation has occurred and denies that

there has been any encroachment on any part of the PWD road. She denies that the PWD has allowed such settlers on the alleged road. Ms. Mookherji further submits that such vague allegations cannot be entertained by the Court. Further more, there appears to be a civil dispute between the parties since long.

The petitioner has made a representation before the PWD authorities. This Court cannot entertain the factual disputes raised by the parties. This Court is not in a position to ascertain the merits of the claim of the petitioner. However, the Executive Engineer PWD (Roads) Directorate, Murshidabad Highway Division No.1 shall dispose of the representation of the petitioner dated February 22, 2021 upon hearing the petitioner and other interested parties including the respondent nos.12 to 16 and pass a reasoned order in accordance with law. Such reasoned order shall be communicated to all concerned. The entire exercise should be completed within a period of eight weeks from date of communication of this order.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)