

AD. 17.
November 17, 2021.
MNS.

(Through Video Conference)

WPA No. 14837 of 2021

Sarat Chandra Mondal
Vs.
The State of West Bengal and others

Mr. Dilip Kumar Sinha

... for the petitioner.

Mr. Samrat Sen,
Ms. Manali Ali

...for the State-respondents.

Affidavit-of-service filed in Court today be kept on
record.

Heard counsel for both the parties.

The grievance of the petitioner is that the private
respondents have encroached upon a land belonging to
the Highway authorities, which was being used and
enjoyed by the petitioner.

It is pointed out that, in the event of removal of
illegal encroachment is to be undertaken, Section 10 of
the West Bengal Highways Act, 1964 ought to be
resorted to. In the present case no such procedure has
been initiated by the respondent authorities despite the
representation dated January 4, 2021, appearing at
page 30 (Annexure- P-5) of the writ petition having been
given by the petitioner.

Since the dispute concerns the consideration of
documentary materials and other evidence, the writ
Court is not inclined to interfere with the matter at this

stage. However, WPA 14837 of 2021 is disposed of by directing the respondents no. 3 and/or 4 to consider and decide upon the representation given by the petitioner annexed as Annexure- P-5 at page 30 of the writ petition, dated January 4, 2021, upon hearing the concerned parties, at the earliest. The Block Land & Land Reforms Officer concerned, if so approached by the respondent-authorities, shall expedite the demarcation of the property-in-dispute and give his/her report to the authorities at the earliest in order to ensure compliance of this direction. Such exercise should be completed within six weeks from date.

The petitioner shall communicate the gist of this order, along with a server copy thereof, on the private respondents within a week from date.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)