

AD. 16.
November 17, 2021.
MNS.

(Through Video Conference)

WPA No. 14429 of 2021

Shikha Mondal
Vs.
The State of West Bengal and others

Mr. Dilip Kumar Sinha

... for the petitioner.

Mr. Narayan Chandra Bhattacharyya,
Ms. Sujata Ghosh

...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
respondent no. 9 has encroached upon a portion used
by the petitioner as her only way of egress and ingress
of her property, which is almost adjacent to a Highway.

Section 10 of the West Bengal Highways Act,
1964 clearly provides a procedure for removal of
encroachment, if any, even if the land-in-question
belongs to the Highway authorities.

In the present case, it is alleged that no such due
process of law was resorted to by the private respondent
no. 9 in seeking to oust the petitioner and restrain the
petitioner from using such passage.

Learned counsel appearing for the respondent-
authorities, in his usual fairness, points out that the
authorities have ascertained that the private respondent

no. 9 might have encroached upon the petitioner's portion of the property-in-dispute.

However, since the writ court cannot go into the details of the material evidence to record a finding on the factual merits of the case, WPA 14429 of 2021 is disposed of by directing the respondent no. 3 and/or 4 to consider and decide the representation given by the petitioner annexed as Annexure- P-5 at page 27 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 due 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 respondent no. 9 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.)