

06.12.2021  
rc/ct.no.10  
Item No.08

**WPA No. 18142 of 2021**  
**Kaniska Manna & Ors.**  
**Vs.**  
**The State of West Bengal & Ors.**

Mr. Arijit Bakshi ...for the Petitioners

Mr. Soumitra Bandyopadhyay  
Mr. Priyabrata Batabyal ...for the State

Report filed by the learned counsel appearing on behalf of the State-respondents is taken on record.

Heard learned counsels appearing on behalf of the parties.

The grievance of the petitioners is that in the process of widening the State Highway-3 the PWD Authorities are trying to encroach upon the private land of the petitioners. The Block Land and Land Reforms Officer, Basanti Block has demarcated the land in question which includes portions of land belonging to the petitioners.

Referring to the report submitted by the Executive Engineer, South-24-Parganas, Highway Division on November 26, 2021, it is submitted on behalf of the State-respondents that no land belonging to the petitioners has been encroached upon by the Government in the process of extension of the highway and the Government also has no intention to encroach upon the land of any private person for the said purpose. However, the report also says that the portions of the Government land have been

encroached by private persons which need to be removed for the purpose of executing the work.

By consent of the parties it is directed that in the event any portion of the Government land is found to have been encroached, the respondent authorities shall be at liberty to initiate proceeding under Section 10 the West Bengal Highways Act, 1964 at the earliest.

Such proceeding be conducted after granting reasonable opportunity of hearing to all the affected parties including the petitioner, in accordance with law.

With the above observations and directions this writ petition being WPA No. 18142 of 2021 is disposed of.

There shall be, however, no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

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

**(Suvra Ghosh,J)**