

13.08.2021.
Item No. 44.
Court No.13
ap

**W.P.A. No. 11096 of 2020
(Through Video Conference)**

**Manija Bibi & Anr.
Versus
The State of West Bengal & Ors.**

Mr. Mrityunjoy Chatterjee,
Md. G. N. Imrohi.

..For the petitioners.

Mrs. Chama Mookerjee,
Ms. Paramita Pal.

..For the State.

Mr. Partha Pratim Roy,
Mr. S. Sanyal.

...For the respondent no.9.

The petitioners complain that the private respondent nos.7 to 12 have made an unauthorized construction on P.W.D. land adjacent to the petitioners' property.

It is submitted that the said construction has the effect of obstructing free ingress and egress to the petitioners' land. It is further submitted that complaints have been made to the Assistant Engineer, P.W.D. (Roads) Raninagar-I, Islampur, Murshidabad but in vain.

Counsel for the State, Mrs. Mookerjee, submits that the petitioners' complaint was duly considered by the Islampur Police Station and proceedings under Section 107 of the Code of Criminal Procedure have been drawn up.

In that view of the matter, the petitioners shall make a complaint afresh to the Assistant Engineer, P.W.D. (Roads) Raninagar-I, Islampur, Murshidabad within a period of fifteen days from date.

In the event such complaint is received, the said Assistant Engineer, P.W.D. (Roads) Raninagar-I, Islampur, Murshidabad shall consider and dispose of the same after giving a personal hearing to the petitioners and/or his legal representatives and the private respondents and/or their legal representatives, in terms of the West Bengal Highways Act, 1964.

A reasoned order may be passed within a period of two months from the date of receipt of such complaint. The said reasoned order may be communicated to the petitioners as well as the private respondents within a week thereof.

The Officer-in-charge, Islampur Police Station is hereby directed and to ensure that there is no breach of peace in the area.

Since the respondents have not used any affidavit, the allegations made in this writ petition shall not be deemed to have been admitted by them.

With the aforesaid directions, the instant writ petition shall stand disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(*Rajasekhar Mantha, J.*)