

**6.1.2021
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WPA 11129 of 2020

Anup Kuila
Vs.
The State of West Bengal & Ors.

Mr. Bharat Chandra Simai
... For the Petitioner.
Mr. Gourav Das
... For the Respondent Nos. 9 & 10.

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

In spite of service no one appears for the respondents excepting the private respondent Nos. 9 and 10.

The petitioner claims to be the owner of plot No.829, J.L. No.138 under Mouza Shyamkhola, Police Station: Patashpur, District: Purba Medinipur. The petitioner alleges that in front of the bastu land of the petitioner, plot No.79 is situated. The said plot, according to the petitioner, belongs to the Public Works Department. The petitioner claims that the private respondent Nos. 9 and 10 have encroached upon the property of the Public Works Department and have raised illegal constructions thereon. The petitioner applied under Section 10 of the West Bengal Highways Act, 1964 for removal of the unauthorised encroachment of the land of the Public Works Department. The grievance of the petitioner is that the said application which was forwarded by the

respondent No.5 to the respondent No.4 on December 4, 2020 is still kept pending.

Mr. Das, learned Advocate appearing for the private respondent Nos. 9 and 10 submits that the private respondents are the owners of the portion of the plot No.79. He further submits that the private respondents have not encroached upon the property of the Public Works Department. He submits that the private respondents have applied for correction of the relevant record of right and the said application is still pending.

I have heard the learned Advocates for the respective parties and have considered the materials-on-record. Since the application under Section 10 of the West Bengal Highways Act, 1964 is still pending, WPA 11129 of 2020 is disposed of by directing the Assistant Engineer, Public Works (Roads) Department being the respondent No.4 herein to dispose of the said application in accordance with law within a period of four weeks from the date of communication of this order by passing a reasoned order.

It is made clear that the parties will be at liberty to rely upon the documents in respect of their respective claims with regard to the property in question at the time of hearing before the said authority.

The said authority shall communicate the decision to the respective parties immediately thereafter.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties on priority basis upon compliance of all formalities.

(Hiranmay Bhattacharyya, J.)