

11.04.2022
rc/ct.no.10
Item No.17

WPA No. 466 of 2022
Dipak Karmakar & Anr.
Versus
State of West Bengal & Ors.

Mr. Pankaj Halder
Mr. Sanatan Panja
Mr. Tapas Manna ...for the petitioners

Mr. L.K.Bhattacharjee
....for the respondent nos. 8-14

Mrs. Sima Adhikary
Mrs. Kakali Naskarfor the State

It is contended by the learned counsel appearing on behalf of the petitioners that the private respondents have raised unauthorised construction by encroaching upon the PWD Highway. The petitioners submitted a representation before the concerned authority in this regard on January 14, 2022.

It is submitted on behalf of the petitioners and also appears from the report submitted by the State-respondents that pursuant to such representation date for demarcation of the plot in question along with field enquiry has been fixed on April 19, 2022 at 12.30 P.M.

In view of the same, this Court is inclined to hold that the concerned authority should be directed to complete the process of demarcation and field enquiry within a stipulated time frame and initiate necessary proceeding under Section 10 of the West Bengal Highways

Act in the event any encroachment is detected on PWD Highway.

Accordingly, this writ petition is disposed of directing the authority concerned to complete the demarcation of the land in question in presence of both the parties or their authorised representatives. In the event any unauthorised construction/ obstruction is found on PWD Highway, the authority concerned shall initiate proceeding under Section 10 of the West Bengal Highways Act, 1964 and take the proceeding to its logical conclusion within three months from the date of communication of this order after giving reasonable opportunity of hearing to all the interested parties including the petitioners and the private respondents, in accordance with law.

With the above observations and directions this writ petition being WPA No. 466 of 2022 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)