

04.07.2022
rc/ct.no.10
Item No.21

WPA No. 3497 of 2022

Mr. Salil Kumar Maity ...for the Petitioners

Mr. Sirsanya Bandyopadhyay
Mr. Subhendu Sengupta for the State

Affidavit of service filed in Court today is taken on record.

None appears for the private respondents despite service.

The grievance of the petitioners is that the private respondents are raising illegal construction by encroaching upon a portion of PWD road adjacent to their plot of land, thereby obstructing the egress and ingress of the petitioners. The petitioners submitted a representation before the authority in this regard on January 17, 2022 which is yet to be disposed of.

It is submitted on behalf of the State-respondents that pursuant to such representation the matter has been forwarded to the 5th respondent by the 3rd respondent for ascertaining whether there is any encroachment in the road in question and the 5th respondent has sought sometime to ascertain the same.

In view of the fact that steps have been initiated by the State authorities pursuant to the representation submitted by the petitioners, this Court is of the view

that the concerned authorities may be directed to conclude the entire exercise within a stipulated time frame.

Accordingly, the writ petition is disposed of directing the 5th respondent to conclude the demarcation work within one month from the date of communication of this order and in the event such unauthorised occupation is detected, the matter should be reverted to the 3rd respondent who shall dispose of the representation within another month of receipt thereof, after affording reasonable opportunity of hearing to all the interested parties including the petitioners and the private respondents, in accordance with law.

The decision taken by the authority shall be communicated to the petitioner within a week thereof.

With the above observations and directions this writ petition 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)