

22.07.2022
rc/ct.no.10
Item No.11

WPA No. 4194 of 2020

Mr. Partha Pratim Roy ...for the petitioner

Mr. Susovan Sengupta
Mr. Manas Kumar Sadhu ...for the State

Mr. Ram Mohan Pal ...for the respondent no.5

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

None appears on behalf of the respondent no. 6 despite service.

The letter issued by the Assistant Engineer, Canning Highway Sub-Division, PW (Roads) Directorate to the Block Land and Land Reforms Officer, Canning – I, South 24-Parganas on July 04, 2022 submitted by the petitioner is also taken on record.

The petitioner's grievance is that the 5th and 6th respondents have encroached upon Government land adjoining the petitioner's land and have been raising unauthorised construction therein. The petitioner submitted a representation before the concerned authority on July 31, 2019 and prays for a direction upon the authority to consider the said representation at the earliest.

The letter submitted by the petitioner this day demonstrates that pursuant to the said representation the Assistant Engineer, Canning Highway Sub-Division, PW (Roads) Directorate has written to the Block Land and Land Reforms Officer, Canning – I, South 24-Parganas on July 04, 2022 requesting a joint demarcation of the plots in question in order to identify the disputed plots and ascertain the allegation of encroachment thereon.

Upon consideration of the submission made on behalf of the parties, this Court is of the view that as the representation submitted by the petitioner has been acted upon by the concerned authority and the process requesting demarcation has been initiated, the concerned authority should be directed to complete the said process within a stipulated time frame.

In view of the same, the writ petition is disposed of directing the Assistant Engineer, Canning Highway Sub-Division, PW (Roads) Directorate, South 24-Parganas, the respondent no. 3 herein to complete the entire process and dispose of the representation submitted by the petitioner dated July 31, 2019 within two months from the date of communication of this order after giving reasonable opportunity of hearing to all the affected parties including the petitioner and respondents no. 5 and 6, in accordance with law.

With the above observations and directions this writ petition is disposed of.

It is made clear that this Court has not gone into the merits of this case and the parties are at liberty to place their respective contentions before the concerned authority at the time of hearing.

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)