

November 11, 2022
ARDR
(17)

WPA 7217 of 2022

Khadija Begum & anr.
Vs.
The State of West Bengal & ors.

Adv. Sayantan Basu,
Adv. Debdutta Raha,
Adv. Tonoya Ghose,

...for the petitioners.

Adv. Chandi Charan De,
Adv. Anirban Sarkar,

...for the State.

On prayer of the petitioners, liberty is granted to implead the Assistant Engineer, Lalbagh Sub-Division, Murshidabad as respondent no.11 in the writ petition.

The cause title of the writ petition be amended accordingly.

Affidavit of service filed by the petitioners is taken on record.

None appears for the respondent nos. 7, 9 and 10 despite service.

The petitioners complain of unauthorised construction raised by the private respondents upon PWD land adjoining their property, thereby obstructing their egress and ingress. The petitioners submitted a representation in this regard before the concerned authority which is yet to be disposed of. The petitioners pray for a direction upon the authority to consider the representation at the earliest.

It appears from the letter issued by the Assistant Engineer to the Block Land & Land Reforms Officer on 11th July, 2022 that the latter has been requested to make necessary arrangements for demarcation of the land in question, with an observation that some persons have raised construction of buildings by encroaching upon PWD road. Reference of the present writ petition has also been made in the said letter.

Upon consideration of the submission made on behalf of the parties, this Court is inclined to hold that since the Block Land & Land Reforms Officer has been requested to take steps for demarcation of the property in order to ascertain the extent of encroachment upon PWD land, the entire proceeding should be taken to its logical conclusion by the concerned authority within a stipulated time frame.

In view of the above, the writ petition is disposed of directing the 11th respondent to initiate proceeding under Section 10 of the West Bengal Highways Act, 1964 in the event encroachment upon PWD land is found and take the proceeding to its logical conclusion within three months from the date of communication of this order upon affording reasonable opportunity of hearing to all the interested parties including the petitioners and the private respondents, in accordance with law. In doing so, the 11th respondent shall take note of the contention of the

petitioners in the representation submitted on 21st October, 2021.

With the aforesaid directions, WPA 7217 of 2022 is disposed of. There shall however, be 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.)