

20
30.08.2022
Ct. No.10
b.das

WPA 14376 of 2022

Asoke Kumar Nandi
Vs.
The State of W.B. & Ors.

Mr. Amanul Islam ...for the petitioner.

Mr. Ansar Mandal
Mr. Suprobhat Bhattacharya ...for the State.

Affidavit of service filed on behalf of the petitioner is taken on record.

Heard learned counsels for the parties.

The grievance of the petitioner is that the private respondent has raised unauthorised construction by encroaching upon a portion of PWD road adjoining his land, thereby obstructing his ingress and egress.

The petitioner submitted a representation before the concerned authority in this regard on 23rd May, 2022, which is yet to be disposed of. The petitioner prays for a direction upon the authority to consider the representation at the earliest.

It is submitted on behalf of the private respondent that besides the private respondent, there are several other persons who have raised construction on the PWD road.

Learned counsel for the State respondents submits that a letter issued by the Assistant Engineer, Contai Highway Sub-division, PW (Roads) Department on 18th

July, 2022 demonstrates that after filing of the present writ petition, the Assistant Engineer has requested the Block Land and Land Reforms Officer, Pataspur-II for demarcation of the plot in question and necessary steps shall be taken after the demarcation report is received.

It is admitted by the private respondent that he is in possession of a portion of PWD road, by illegally encroaching upon the same.

In view of the above, this Court is inclined to hold that as the process of demarcation has been initiated by the concerned authority, the authority may be directed to take necessary steps in terms of Section 10 of the West Bengal Highways Act, 1964 as also the representation submitted by the petitioner on 23rd May, 2022 within a stipulated time frame.

Accordingly, the writ petition is disposed of directing the 5th respondent to consider and dispose of the representation submitted by the petitioner on 23rd May, 2022 and also take necessary recourse to West Bengal Highways Act, 1964 after receipt of demarcation report from the Block Land and Land Reforms Officer and complete the entire exercise within three months from the date of communication of this order, after affording reasonable opportunity of hearing to all the interested parties including the petitioner and the private respondent, in accordance with law.

With the above observations and directions, the writ petition being WPA 14376 of 2022 is disposed of.

However, there shall 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 supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)