

WPA 16660 of 2022

Jagadish Sardar
Vs.
The State of West Bengal & Ors.

Md. Hasanuzzaman

...for the petitioner.

Mr. Chandi Charan De,
Mr. Somnath Mukherjee,

...for the State.

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

None appears for the private respondents despite service.

Pursuant to an earlier order of this Court in WPA 396 of 2020 passed on 9th March, 2021, the representation submitted by the petitioner pertaining to alleged encroachment of PWD land by private respondents was taken up for consideration by the Assistant Engineer, Lakshmikantapur Highway Sub-Division PW (Road) Directorate and disposed of on 9th July, 2021. On the basis of the report submitted by the Block Land & Land Reforms Officer after conducting a thorough field enquiry and demarcating the land in question, it was recorded that Khakan Halder, the 13th respondent herein has encroached upon 108 square feet area of PWD land.

It is submitted on behalf of the petitioner that no further step has been taken by the authority against the said respondent for removal of the said construction under

the West Bengal Highways Act, 1964. The petitioner intends to submit a comprehensive representation before the authority in this regard and prays for a direction upon the authority to consider the representation at the earliest.

It is submitted on behalf of the State respondents that the 6th respondent be directed to consider the representation in accordance with law.

In view of the above, the writ petition is disposed of with liberty to the petitioner to submit a comprehensive representation in this regard before the 6th respondent within seven days from date. The 6th respondent is directed to consider and dispose of the representation within two months from the date of receipt thereof after affording reasonable opportunity of hearing to all the interested parties including the petitioner and the 13th respondent, in accordance with law.

With the aforesaid observations and directions, WPA 16660 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.)