

WPA 26258 of 2017

Byomkesh Senapati
Vs.
The State of West Bengal & Ors.

Mr. Mukteswari Maity,
...for the petitioner.
Mr. Soumitra Bandyopadhyay,
Mr. Priyabrata Batabyal,
...for the State.

On prayer of the petitioner, liberty is granted to implead the Chief Engineer, Planning, PW (Roads) Department, as respondent no.10 in the writ petition.

The cause title of the writ petition be amended accordingly.

Report in the form of affidavit filed on behalf of the 5th respondent is taken on record.

The said report clearly demonstrates that admittedly the plot of the petitioner has been utilised by the PW (Roads) Department for construction of Choulkhola – Mandarmani road. After much deliberation by the authority, the Superintending Engineer, State Highways Planning Circle has advised to send the proposal through the Chief Engineer (HQ) PWD to the Chief Engineer, Planning, PW (Roads) Department for sending survey team for acquisition/direct purchase of the said plot.

Since the State authorities have admitted that the land of the petitioner has been utilised without acquiring the same or paying any compensation to the petitioner, the

State authorities should be directed to act in terms of the report submitted by them this day within a stipulated time frame.

In view of the above, the writ petition is disposed of directing the 10th respondent to act in terms of the report submitted by the Executive Engineer, PWD Tamluk Division this day and complete the entire exercise within two months from the date of communication of this order after affording reasonable opportunity of hearing to all the interested persons including the petitioner, in accordance with law.

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

With the above directions, WPA 26258 of 2017 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.)