

01.04.2022
rc/ct.no.10
Item No.09

WPA No. 11478 of 2020
Panchanan Pandit
Versus
The State of West Bengal & Ors.

Mr. Balaram Pandit ...for the petitioner

Mrs. Chama Mukherjee
Mr. Srikanta Paul ...for the State

None appears on behalf of the private respondent today.

The grievance of the petitioner is that the private respondent raised illegal construction on a portion of the public highway by encroaching upon the same and has thereby obstructed ingress and egress of the petitioner. The petitioner submitted a representation in this regard before the concerned authority on March 13, 2020 and prays for a direction upon the authority to consider the same at the earliest.

It is submitted by the learned counsel appearing on behalf of the State-respondents that pursuant to such representation a requisition for demarcation of the plot in question has been sent to the Block Land and Land Reforms Officer, Mohanpur Block, Paschim Mednipur by the Assistant Engineer, PWD, Kharagpur Sub-Division on March 31, 2022.

In view of the same, this Court is inclined to hold that as steps have already been initiated pursuant to the

representation submitted by the petitioner, the concerned authority should be directed to take recourse to Section 10 of the West Bengal Highways Act, 1964 (hereinafter referred to as the “Act of 1964”) in the event such encroachment is found on the public highway and take the proceeding to its logical conclusion within a stipulated period of time.

Accordingly, the writ petition is disposed of directing the respondent no. 4 to initiate proceeding under Section 10 of the Act of 1964 in the event of detection encroachment of any portion of the public highway and take the proceeding to its logical conclusion within a period of 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 this writ petition being WPA No. 11478 of 2020 is disposed of.

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)