

05
09.06.2023
Ct. No.10
b.das

WPA 1755 of 2023

Sachinandan Das Adhikary
Vs.
The State of West Bengal & Ors.

Mr. Salil Kr. Maity
Ms. Dolon Samanta ...for the petitioner.

Ms. Anwari Quraishi
Ms. Zainab Tahir ...for the State.

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

Instructions submitted on behalf of the State respondents is taken on record.

None appears for the private respondents despite service.

Heard learned counsels for the parties.

The petitioner alleges unauthorised construction made by the private respondent by encroaching upon a portion of the PWD road adjoining his plot, thereby obstructing his egress and ingress.

The petitioner submitted a representation in this regard before the concerned authority on 31st October, 2022, which is yet to be considered.

It transpires from the instructions submitted on behalf of the State respondents that pursuant to the representation submitted by the petitioner, the Assistant Engineer, Haldia Highway Sub-Division, PW (Roads)

Directorate by a letter issued on 2nd February, 2023 to the Block Land and Land Reforms Officer, Mahisadal, Purba Medinipur requested demarcation of the allegedly encroached land. It is submitted on behalf of the State respondent that such demarcation is yet to be completed.

In view of the above, this Court is inclined to hold that since steps for demarcation have been taken by the concerned authority pursuant to the representation submitted by the petitioner, the concerned authority, being the 3rd respondent herein, be directed to initiate the proceedings under Section 10 of the West Bengal Highways Act, 1964 in the event encroachment upon the PWD road is detected upon demarcation and take the proceeding to its logical conclusion within two months from the date of communication of this order upon affording reasonable opportunity of hearing to all the interested persons including the petitioner and the private respondent, in accordance with law.

With the above observations and directions this writ petition being WPA 1755 of 2023 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.)