

Ct. 05
Item No.17
25.04.2023
(Suvendu)

WPA 2100 of 2021

**Krishna Gopal Sahu
Vs.
Union of India & Ors.**

Mr. Uday Sankar Chattopadhyay
Mr. Suman Sankar Chattopadhyay
Ms. Rajashree Tah
Ms. Trisha Rakshit
.....for the petitioner

Mr. Chittapriya Ghosh
Mr. Sandipan Pal
.....for the respondent nos. 7-12

Mr. Susovan Sengupta
Mr. Manas Kumar Sadhu
.....for the State

1. The petitioner complains of an unauthorized encroachment made by the private respondent nos. 7-12 on the land belonging to the National Highways Authority as well as the State Highways. The encroachment is in front of the petitioner's property. The petitioner also complains that the private respondents have constructed a fence around the unauthorized encroachment leading to further prejudice.

2. The records contain two representations made by the petitioner. First to the Executive Engineers, West Bengal State Road Development

Authority on 25th November, 2020 and thereafter to the Team Leader, National Highways Authority on 15th December, 2020. None of the respondent authorities has acted on these representations.

3. Learned counsel appearing for the State respondents submits that an assessment is first required to be made as to whether the land belongs to the State Rural Development Authority or the National Highways Authority. Counsel submits that the concerned BL & LRO demarcate the area and thereafter the finding be sent to the concerned District Magistrate.

4. After hearing learned counsel and considering the fact that no demarcation/assessment has been made as to whether the land belongs to which of the authorities stated above, WPA 2100 of 2021 is disposed of with a direction to the BL & LRO, Jhargram to make the requisite demarcation /assessment of the land on which the encroachment has been made within a period of four weeks from date. The result of the demarcation /assessment shall then be sent to the District Magistrate, Jhargram within three weeks from the date on which the demarcation/assessment is complete. The District Magistrate, Jhargram shall thereafter consider the representations made by the petitioner referred to

above and come to a reasoned decision within a period of four weeks from the date on which such demarcation /assessment is received by the District Magistrate. The petitioner and the private respondents shall be heard by the District Magistrate and a copy of the reasoned order shall be made available to them within a week from the date on which such reasoned order is passed.

5. Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Moushumi Bhattacharya, J.)