

July 19, 2023
ARDR
(10)

WPA 1910 of 2023

Prasun Kumar Dey
Vs.
The State of West Bengal & Ors.

Adv. Lal Ratan Mondal,
Adv. Dilip Kumar Sadhu,
...for the petitioner.
Adv. Subhadeep Chatterjee,
Adv. Arpita Kundu,
...for the opposite party nos. 5 & 6.
Adv. Soumitra Bandyopadhyay,
Adv. Srikanta Singha Roy,
...for the State.

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

On prayer of the petitioner, liberty is granted to
implead the Assistant Engineer, Medinipur Highway
Division, Public Works Department, Government of West
Bengal as respondent no.9 in the writ petition.

The cause title of the writ petition be amended
accordingly.

The petitioner claims to be the recorded owner of
the plot in question and complains that the private
respondents have raised unauthorised construction by
encroaching upon PWD road adjoining his property,
thereby obstructing his egress and ingress. The
petitioner submitted a representation in this regard
before the concerned authority on 8th December, 2022
which is yet to be considered. The petitioner prays for a

direction upon the authority to consider the representation at the earliest.

It is submitted on behalf of the respondent nos. 5 and 6 that it cannot be ascertained from the writ petition as to whether the land occupied by the private respondents belong to the PWD and also the construction raised by the private respondents has not obstructed the egress and ingress of the petitioner in any manner.

Be that as it may, since the petitioner alleges illegal encroachment upon PWD road and representation submitted by the petitioner is pending consideration by the authority, this Court is inclined to hold that the representation be considered and disposed of by the authority in accordance with law.

In view of the above, the writ petition is disposed of directing the 9th respondent to consider and dispose of the representation submitted by the petitioner dated 8th December, 2022 within three 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 respondents, in accordance with law.

The concerned authority is at liberty to ascertain whether the land in dispute is part of the State highway or belongs to the PWD and shall take necessary steps in

accordance with law in the event of encroachment/
unauthorised construction thereon.

With the above directions, WPA 1910 of 2023 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 on usual undertakings.

(Suvra Ghosh, J.)