

February 13, 2023
Sl. No.19
Court No.1
s.biswas

WPA (P) 45 of 2023

Samir Chakraborty and others
vs.
The State of West Bengal and others

Mr. Dilip Kumar Sinha,
Mr. Sukdeb Sarkar, Advocates
... for the petitioners
Mr. Jahar Lal De,
Mr. Sutanu Chakraborty, Advocates
... for the State
Mr. Soumen Kr. Dutta,
Mr. Sabyasachi Bhattacharjee, Advocates
... for the respondent No.8

The grievance of the petitioners in this public interest petition is that encroachments have taken place in Panskura-Durgachak Highway and that the movement of traffic is affected on account of encroachment and no action is being taken by the competent authority.

Learned counsel for the petitioners has submitted that the representation dated 04.05.2022 was made to the respondent No.3 (The Executive Engineer, Public Works (Road) Directorate, Tamluk Highway Division), but the said representation has not been decided till date. It has been pointed out that the prayer in the representation is to take action in terms of the provision of the West Bengal Highways Act, 1964.

A dispute has been raised by learned counsel for the private respondent that the concerned road is not the State Highway. This can duly be considered

by the respondent No.3 while deciding the pending representation.

Learned counsel for the State has fairly stated that there is no objection in considering said representation.

We dispose of the present petition directing the respondent No.3 to duly consider the petitioners' representation dated 04.05.2022 in accordance with law. If it is found that on the State Highway any encroachment has taken place as alleged, then appropriate action will be initiated in terms of the applicable Act.

Let this exercise be completed within a period of 2 months from the date of receipt of the copy of this order.

The present petition is disposed of accordingly.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)