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jdt.

17.11.2023
jb.

W.P.A. 4404 of 2023
(Safikul Islam vs. State of West Bengal & Ors.)

Mr. Pronojit Roy

.... For the Petitioner

Mr. Tapas Kr. Adhikary

Mr. Chandan Kr. Mondal

.... For the State

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

None appears for the private respondents despite service.

The petitioner claims to be the recorded owner of the plot in question and submits that the private respondents have raised unauthorised construction by encroaching upon the PWD road from Debagram to Barnia adjoining his plot, thereby obstructing his egress and ingress. The petitioner submitted a representation in this regard before the concerned authority on 5th September, 2022 and prays for a direction upon the authority to consider the representation at the earliest.

Placing reliance on a report submitted by the Assistant Engineer, Plassey Highway Sub Division, P.W. (Roads) Directorate, learned counsel for the State respondents submits that pursuant to the representation submitted by the petitioner the Assistant Engineer, by a letter issued on 29th May, 2023 requested the Block Land and Land Reforms Officer, Nakashipara, District Nadia to

demarcate the plot in dispute in order to ascertain the alleged unauthorised encroachment therein.

In view of the above, this Court is inclined to hold that in the event encroachment upon P.W.D. road or any portion thereof is found upon demarcation, the Assistant Engineer, Public Works Department (Roads), Krishnagar being the 6th respondent herein is directed to initiate appropriate proceedings under Section 10 of the West Bengal Highways Act, 1964 within four weeks from the date of receipt of demarcation report and take the proceedings to its logical conclusion within two months thereafter upon affording reasonable opportunity of hearing to all the interested persons including the petitioner and the private respondents, in accordance with law.

The writ petition is thus disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)