

21.04.2023
rc/ct.no.10
Item No.19

WPA No. 5151 of 2023
Anjusree Saha
Versus
The State of West Bengal & Ors.

Mr. Timir Baran Saha ...for the petitioner

Sk. Mujibar Rahaman
Mr. Benazir Ahmed ...for the State

Mr. Asraf Mandal ...for the respondents no. 7,8& 9

Affidavit of service filed in Court today is taken on record.

None appears for the 10th and 11th respondents despite service.

The petitioner alleges encroachment of public highway by the private respondents by raising unauthorised construction thereon.

It is submitted on behalf of the petitioner that pursuant to a representation submitted by her in this regard on 29th December, 2022, the Assistant Engineer, Public Works Department (Roads), Plassey Sub-Division requested the Block Land and Land Reforms Officer to cause demarcation of the plot in order to ascertain whether the plot or any portion thereof has been encroached upon. Such demarcation has not been effected till date. The petitioner prays for a direction upon the concerned authority to complete the demarcation process

as well as the entire proceeding for removal of the alleged encroachment within a stipulated time frame.

It is submitted on behalf of the State-respondents that the 5th respondent be directed to complete the demarcation in accordance with law.

Upon consideration of the submission made on behalf of the parties this Court is inclined to hold that since the 5th respondent has been requested to demarcate the plot, the said respondent be directed to complete the demarcation within four weeks from date. In the event encroachment upon Government land or any portion thereof is found, the concerned authority shall initiate proceeding under Section 10 of the West Bengal Highways Act, 1964 and take the proceedings to its logical conclusion within two months thereafter upon affording reasonable opportunity of hearing to all the stakeholders including the petitioner and the private respondents, in accordance with law.

Copy of the demarcation report be made over to the petitioner and the private respondents upon completion of demarcation by the concerned authority.

With the above observations and directions this writ petition is disposed of.

There shall be, however, 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 upon compliance of necessary formalities.

(Suvra Ghosh,J)