

19.04.2023
rc/ct.no.10
Item No.20

WPA No. 5194 of 2023
Swapn Kumar Payra
Versus
State of West Bengal & Ors.

Mr. Bharat Chandra Simai
Mrs. Sanchayit Das ...for the petitioner

Mr. Partha Pratim Roy
Mr. Ram Chandra Guchait ...for the State

Mr. Rabindranath Mahato
Mr. Aritra Shankar Ray
..for the respondents no. 10, 12 & 15

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

None appears for the respondents no. 11, 13 and 14 despite service.

The petitioner claims to be recorded owner of the plot in question and submits that the private respondents have raised unauthorised construction by encroaching upon a portion of the PWD land adjoining his property, thereby obstructing his ingress and egress. The petitioner submitted an application under Section 10 of the West Bengal Highways Act, 1964 (hereinafter referred to as "the said application") in this regard before the concerned authority on 6th February, 2023 which is yet to be considered.

The petitioner prays for a direction upon the concerned authority to consider the said application at the earliest in accordance with law.

It is submitted on behalf of the respondents no. 10, 12 and 15 that the respondents have raised construction on their rayati land and have not encroached upon any portion of government land.

It is submitted on behalf of the State-respondents that the 4th respondent be directed to consider the representation in accordance with law.

In view of the above, the writ petition is disposed of directing the 4th respondent to consider and dispose of the said application submitted by the petitioner on 6th February, 2023 within a period of three months from the date of communication of this order, after giving reasonable opportunity of hearing to all the affected persons including the petitioner and the private respondents, in accordance with law.

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)