

June 06, 2023
(17) ARDR

WPA 5591 of 2023

Shib Sankar Sarkar
Vs.
The State of West Bengal & ors.

Adv. Surya Prasad Chattopadhyay,
Adv. Ankit Chatterjee,
...for the petitioner.

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

None appears for the State respondents, despite service.

Mr. Chandi Charan De, who usually appears for the State and is present in Court today, is requested to represent the State in this matter.

His appointment be regularised by the office of the learned Legal Remembrancer.

The petitioners are directed to serve copy of the writ petition along with annexures thereto upon Mr. De in course of this day.

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 a portion of the PWD road adjoining the petitioner's plot, thereby obstructing his egress and ingress. The petitioner submitted several representations in this regard on 20th December, 2019, 17th February, 2020 and 11th October, 2022 respectively which are yet to be considered. The petitioner prays for a direction upon the

concerned authority to consider the representations at the earliest and initiate proceeding under Section 10 of the West Bengal Highways Act, 1964 for removal of the unauthorised encroachment made by the private respondents.

It is submitted on behalf of the State respondents that the 3rd respondent be directed to consider the representations in accordance with law.

In view of the above, the writ petition is disposed of directing the 3rd respondent to consider and dispose of the representations submitted by the petitioners dated 20th December, 2019, 17th February, 2020 and 11th October, 2022 respectively 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.

In the event illegal encroachment upon PWD road or any portion thereof is detected upon demarcation, the concerned authority shall initiate proceeding under Section 10 of the West Bengal Highways Act, 1964 and take the proceeding to its logical conclusion within the time period mentioned above.

With the aforesaid directions, WPA 5591 of 2023 is disposed of.

There shall however, be no order as to costs.

Since no affidavit in opposition 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.)