

WPA 5632 of 2023

Supriya Maity

Vs.

The State of West Bengal & Ors.

Sk. Sahjahan Ali ...for the petitioner.

Mr. Kapil Ch. Sahoo ...for the respondent No.8.

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, is requested to represent the State in the matter. His appointment be regularized by the office of the learned Legal Remembrancer.

The petitioner should serve copy of the writ petition alongwith all annexures thereto to Mr. De in course of this day.

Heard learned counsels for the parties.

The petitioner complains unauthorised construction made by the private respondent by encroaching upon a portion of the PWD road adjoining his plot, thereby obstructing his egress and ingress.

The petitioner submitted a representation in this regard before the concerned authority on 6th February, 2023, which is yet to be considered.

It is submitted on behalf of the petitioner that pursuant to the representation, a notice has been issued by the Block Land and Land Reforms Officer, Egra-II, Purba Medinipur on 23rd March, 2023, for demarcation of the plot in question on 30th March, 2023. No further communication has been received by the petitioner in this regard.

It is submitted on behalf of the State respondents that the 4th respondent be directed to consider the representation submitted by the petitioner dated 6th February, 2023, in accordance with law.

In view of the above, this Court is inclined to hold that since notice for demarcation has been issued by the Block Land and Land Reforms Officer pursuant to the representation submitted by the petitioner, the concerned authority, being the 4th respondent herein, be directed to take necessary steps under Section 10 of the West Bengal Highways Act, 1964 in the event encroachment upon the PWD road is detected upon demarcation and take the proceeding to its logical conclusion within two 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 respondent, in accordance with law.

With the above observations and directions this writ petition being WPA 5632 of 2023 is disposed of.

However, there shall be 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 supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)