

Ct. 05
Item No.21
25.04.2023
(Suvendu)

WPA 7516 of 2023

Sisir Kumar Das
Vs.
The State of West Bengal and Ors.

Mr. Sabyasachi CHatterjee
Mr. Omar Faruk Gazi
Mr. Debdip Mandal
.....for the petitioner

Mr. Nilotpal Chatterjee
.....for the State

Mr. Subrata Karmakar
Md. Ali Ahasan
....for the respondent nos. 9 & 14

1. The petitioner prays for a direction on the respondent no.2, being the Executive Engineer, Diamond Harbour Highway Division, Public Works (Roads) Directorate to consider and dispose of the two representations of the petitioner made on 30th December, 2022 and 5th January, 2023 with regard to the alleged unauthorized encroachment caused by the respondent nos. 9-14 on the land which is under the control of PWD (Roads) Department.

2. The private respondents are represented.

3. Mr. Nilotpal Chatterjee who is present in Court today has kindly consented to represent the State.

4. It is clear from the documents placed on record that the concerned Executive Engineer is yet to take steps under Section 10 of The West Bengal Highways Act, 1964 which sets out a procedure for removal of encroachment.

5. WPA 7516 of 2023 is accordingly disposed of with a direction on the respondent no. 2 to consider and dispose of the representations made by the petitioner and thereafter take steps in accordance with law under the 1964 Act if the authority is of the view that the facts require such steps to be taken. Needless to say, the concerned authority will hear all necessary parties under Section 10(1) of the Act. The petitioner is also directed to serve the concerned authority under Section 10(2) of the Act. The petitioner will also serve a copy of the representation to the respondents within seven days from today. The respondent no. 2 will complete the entire exercise within six weeks from the date on which the respondent no. 2 receives the representation.

6. Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Moushumi Bhattacharya, J.)