

September 15, 2023

ARDR (40)

WPA 7839 of 2022

Tapan Das

Vs.

The State of West Bengal & Ors.

Adv. Dilip Kumar Shyamal,
Adv. Gourab Ghosh,

...for the petitioner.

Adv. Ansar Mondal,
Adv. Safik Dewan,

...for the State.

On prayer of the petitioner, liberty is granted to implead the Sub-Divisional Officer, Kakdwip, South 24 Parganas as respondent no.13 in the writ petition.

The cause title of the writ petition be amended accordingly.

None appears for the private respondents, despite service.

The petitioner claims to be recorded owner of the plot in question and complains that the private respondents have raised unauthorised construction by encroaching upon a portion of the National Highway adjoining his plot, thereby obstructing his egress and ingress. The petitioner submitted a representation before the concerned authority in this regard on 5th March, 2022.

Learned counsel for the petitioner submits that pursuant to the representation, a notice has been issued by the Block Land & Land Reforms Officer, Namkhana, South 24 Parganas to the Assistant Engineer, Kakdwip

National Highway Sub-Division that a joint field verification was due to be held on 21st June, 2023. Learned counsel submits, on instructions, that the said verification has been made.

In view of the above, this Court is inclined to hold that since the field verification has been held, the concerned authority be directed to deal with the issue and dispose of the same within a stipulated time frame.

The writ petition is accordingly disposed of directing the 13th respondent to consider the joint field verification report of the Block Land & Land Reforms Officer and in the event encroachment upon the National Highway or any portion thereof is found upon verification, the said respondent is directed to initiate proceeding in accordance with law 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 respondents.

With the aforesaid directions, the writ petition, being WPA 7839 of 2022 is disposed of.

There shall however, 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 furnished to the parties on usual undertakings.

(Suvra Ghosh, J.)