

29.09.2023
rc/ct.no.10
Item No.20

WPA No. 9447 of 2023
Gobinda Chandra Dutta
Versus
The State of West Bengal & Ors.

Mr. Sabyasachi Hazra
Mr. Samaresh Chandra Dhara.....for the petitioner

Mr. Soumitra Bandyopadhyay
Mr. Priyabrata Batabyalfor the State

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

None appears for the private respondents despite service.

It is contended on behalf of the petitioner that on an earlier occasion a writ petition was filed by the petitioner alleging unauthorised construction upon PWD land by the private respondents therein, obstructing the ingress and egress to the petitioner. The writ petition was allowed by a coordinate Bench of this Court by an order passed on February 07, 2006. The order was carried in appeal by the private respondents in the earlier writ petition and by an order passed on June 17, 2013, the appeal was dismissed.

Learned counsel for the petitioners submits that despite an order of this Court directing removal of unauthorised construction on PWD land, no further step has been taken by the authority in this regard. Learned counsel takes this Court to a letter issued by the Assistant Engineer, Hooghly Sub-Division No. II, Public Works

Directorate to the Block Land and Land Reforms Officer, Dhaniakhali, District- Hooghly on February 28, 2023 requesting demarcation of the PWD land allegedly encroached upon. Such demarcation is yet to be made.

Upon consideration of the submission made on behalf of the parties, this Court is inclined to hold that since the Assistant Engineer has requested the Block Land and Land Reforms Officer, Dhaniakhali, District- Hooghly to demarcate the plot in question, such demarcation be made within a stipulated time frame and appropriate proceeding be initiated accordingly.

The writ petition is disposed of directing the Block Land and Land Reforms Officer, Dhaniakhali, District- Hooghly being the 5th respondent herein, to demarcate the plot in terms of the letter issued by the Assistant Engineer on February 28, 2023 upon service of notice to all concerned including the petitioners and the private respondents and submit a report before the Assistant Engineer, being the 4th respondent herein within one month from the date of communication of this order.

Upon receipt of such demarcation report, in the event it is found that the PWD land or any portion thereof has been encroached upon by the private respondents or any other encroacher for that matter, the 4th respondent shall initiate proceeding under Section 10 of the West Bengal Highways Act, 1964 and take the proceeding to its logical conclusion within three months from the date of

receipt of the demarcation report upon affording reasonable opportunity of hearing to all the interested persons including the petitioners and the private respondents, in accordance with law.

With the above observation and direction 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)