

16.06.2023
rc/ct.no.10
Item No.27

WPA No. 10481 of 2023
Sutapa Bhowmick (Chakraborty) & Anr.
Versus
State of West Bengal & Ors.

Mr. Salil Kumar Maity
Ms. Dolan Samanta ...for the petitioners

Mr. Santanu Kumar Mitra
Mr. Ganga Prasad Mukherjee ...for the State

Affidavit of service filed in Court today is taken on record.

None appears for the private respondents despite service.

Statement of facts submitted on behalf of the State-respondents is taken on record.

Complaining illegal encroachment on PWD road by the private respondents, the petitioners filed a writ petition earlier being WPA No. 20277 of 2021 and pursuant to an order passed therein by this Court on March 10, 2022, proceeding under Section 10 of the West Bengal Highways Act, 1964 (hereinafter referred to as "the Act of 1964") was initiated and encroachment on PWD road was removed.

In the present writ petition the petitioner alleges that the private respondent who was also the private respondent in the earlier writ petition has again encroached upon a portion of the PWD land by constructing a pacca structure therein and such

encroachment has obstructed the egress and ingress of the petitioners. The petitioners submitted a representation in this regard before the concerned authority on March 28, 2023 and pray for a direction upon the authority to consider the representation at the earliest.

Report submitted on behalf of the State-respondents reveals that pursuant to the representation submitted by the petitioners, a request has been made to the Block Land and Land Reforms Officer for demarcation of the plot and such demarcation is in progress.

In view of the above, this Court is inclined to hold that since demarcation of the plot in question has been requested, in the event encroachment upon the PWD land or any portion thereof is found upon demarcation, the Assistant Engineer, Tamluk Highway Sub-Division Public Works (Roads) Directorate, being the 3rd respondent herein is directed to initiate the proceedings under Section 10 of the Act of 1964 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 petitioners and the private respondents, in accordance with law.

With the above observations and directions 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)