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19.12.2023
Ct. No.10
b.das

WPA 11380 of 2023

Surajit Kumar Mahapatra
Vs.
The State of W.B. & Ors.

Mr. Devranjan Das
Ms. Susmita Senapati ...for the petitioner.

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 claims to be the recorded owner of the plot in question and complains that the private respondents have raised unauthorised construction by encroaching upon a portion of the PWD land adjoining his property, thereby obstructing his egress and ingress.

The petitioner submitted a representation in this regard before the concerned authority on 10th May, 2022,

pursuant to which the Assistant Engineer, PWD Contai Sub-Division, by a letter issued to the Block Land and Land Reforms Officer, Contai-I Block on 15th June, 2022, requested the latter to make necessary arrangement for demarcation of the plot in dispute. No further steps having been taken, the petitioner submitted a further representation before the authority on 6th February, 2023 seeking demolition of the unauthorised construction made by the private respondents, pursuant to which the Block Land and Land Reforms Officer was again requested to arrange for demarcation of the plot by a letter issued by the Assistant Engineer, PWD on 7th February, 2023. But demarcation is yet to be held.

Learned counsel for the State respondents submits that the 4th respondent be directed to take necessary steps for demarcation of the plot in dispute, in accordance with law.

In view of the above, the Block Land and Land Reforms Officer, being the 5th respondent herein, is directed to take necessary steps for demarcation of the plot in dispute in presence of all concerned including the petitioner and submit a report to that effect before the 4th respondent within one month from date.

In the event encroachment on PWD land or any portion thereof is found upon demarcation, the 4th respondent is directed to initiate proceeding under Section 10 of the West Bengal Highways Act, 1964 and take the

proceeding to its logical conclusion within two months from the date of receipt of the demarcation report upon affording reasonable opportunity of hearing to all the interested persons including the petitioner and the private respondents, in accordance with law.

With the above observations and directions the writ petition 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 supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)