

23.06.2023
rc/ct.no.10
Item No.21

WPA No. 12411 of 2023
Sibesh Panda
Versus
The State of West Bengal & Ors.

Mr. Mukteswar Maity ..for the petitioner

Mr. Ashim Kumar Ganguly
Mr. Subrata Das Gupta ...for the State

Report submitted by the State-respondents is taken on record.

Heard learned counsels appearing on behalf of the parties.

Pursuant to an order passed by this Court on November 03, 2022 in WPA No. 18249 of 2022 directing the Sub-Divisional Officer, Contai to comply with the order passed by the District Magistrate, Purba Medinipur on February 22, 2022 under Section 10(4) of the West Bengal Highways Act, 1964, the Sub-Divisional Magistrate, Contai, by an order passed on April 12, 2023, recorded that at the time of removal of encroachment from the Government land, it was found that some other encroachers who were not involved in the writ petition still existed. The order further records that the Assistant Engineer, PWD, Contai Sub-Division requested passing of an order for removal of those unauthorised encroachers from Government land and the Block Land and Land Reforms Officer was directed to further demarcate the land

of the highway with a sketch map. The petitioner being a patta holder was also directed to vacate the encroached portion of the land of the highway.

The petitioner has submitted an application before the concerned authority on April 12, 2023 wherein he submitted that he has been residing in the land which was allotted to him by a patta issued by the Government. The petitioner requested an enquiry into the matter. The said application is yet to be considered. The petitioner prays for a direction upon the concerned authority to consider the application at the earliest.

It is submitted on behalf of the State-respondents that the 6th respondent be directed to consider the application in accordance with law.

In view of the above, the writ petition is disposed of directing the 6th respondent to consider and dispose of the application submitted by the petitioner on 12th April, 2023 within a period of two months from the date of communication of this order, after affording reasonable opportunity of hearing to all the interested persons including the petitioner, in accordance with law.

The decision taken by the authority shall be communicated to the petitioner within a week thereof.

Pending disposal of the application no coercive action be taken by the authority against the petitioner in respect of the plot in question.

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)