

307
22.09.2023
Ct. No.10
b.das

WPA 14058 of 2023

Kalyan Guha Roy

Vs.

The State of West Bengal & Ors.

Mr. Bharat Chandra Simai

Ms. Sanchayita Das ...for the petitioner.

Mr. Bibekananda Tripathy ...for the State.

Mr. Gautam Thakur

Ms. Anandamayee Ghosh

...for respondent nos.9 & 10.

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

Heard learned counsels for the parties.

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

The petitioner submitted a representation in this regard before the concerned authority on 29th May, 2023, which is yet to be considered. The petitioner prays for a direction upon the concerned authority to consider the representation at the earliest.

It is submitted on behalf of the private respondents that the 10th respondent has acquired title in respect of the

portion of plot nos.215 and 217 and they have not encroached upon any portion of the PWD land.

It is submitted on behalf of the State respondents that pursuant to the representation submitted by the petitioner the Block Land and Land Reforms Officer, Patashpur Block-I, P.O. Amarshi, District Purba Medinipur has been directed by the Assistant Engineer, Tamluk Highway Sub-Division, PW (Roads) Directorate by a letter issued on 19th June, 2023 to demarcate the land in front of raiyati plot nos.215 and 217. The demarcation is yet to be held.

In view of the above, this Court is inclined to hold that since the Block Land and Land Reforms Officer has been directed to demarcate the plot in dispute allegedly encroached upon by the private respondents, such process of demarcation be conducted at the earliest and demarcation report be submitted before the Assistant Engineer within one month from the date of communication of this order.

Upon receipt of the demarcation report, in the event it is found that the PWD land or any part thereof has been encroached upon, the Assistant Engineer, being the 4th respondent herein, is directed to initiate proceedings under Section 10 of the West Bengal Highways Act, 1964 and take the proceedings 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 being WPA 14058 of 2023 is disposed of.

However, there shall 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.)