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jdt.

28.08.2023
jb.

W.P.A. 14125 of 2023
Sree Chaitanya Gaudiya Math & Anr.
vs.
State of West Bengal & Ors.

Mr. R. N. Mahato
Mr. Lal Ratan Mondal
Mr. Dilip Kr. Sadhu
.... For the Petitioners
Mr. L. M. Mahata
Mr. Rudranil De
.... For the State

Affidavit of service filed on behalf of the petitioners is taken on record.

None appears for the private respondents despite service.

Instruction submitted on behalf of the State respondents is taken on record.

On prayer of the petitioners, liberty is granted to implead the Assistant Engineer, Krishnanagar Highway Division I, P.W.(Roads) Directorate. Government of West Bengal as respondent No. 28 in the writ petition. The cause title of the writ petition be amended accordingly.

The petitioners allege unauthorised construction raised by the private respondents by encroaching upon a portion of the PWD road adjoining their property, thereby obstructing their egress and ingress. The petitioners submitted a representation before the concerned authority on 18th May, 2023 and pray for direction upon the authority to consider the representation at the earliest.

It is submitted by learned counsel for the State respondents, on instructions, that pursuant to the representation submitted by the petitioners, a joint spot enquiry was conducted by the authorities and the shop owners having their respective shop rooms in front of the boundary wall of the premises of the petitioners claimed to be recorded owners of the land in question. The Block Land and Land Reforms Officer has been requested to demarcate the extent of the PWD land and submit a report along with a sketch map before the concerned authority. The demarcation is still pending.

In view of the above, this Court is inclined to hold that the Block Land and Land Reforms Officer be directed to demarcate the plot in dispute and submit report to that effect before the Assistant Engineer who, in the event of encroachment of PWD land shall initiate appropriate proceedings, in accordance with law.

The writ petition is accordingly disposed of directing the 6th respondent to demarcate the plot in dispute and submit a report to that effect before the 28th respondent within one month from date. Upon receipt of such report, if it is found that the PWD land or any portion thereof is encroached upon by the private respondents, the 28th respondent shall initiate proceedings 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 report upon affording reasonable opportunity of hearing to all the interested persons including the petitioners and the private respondents, in accordance with law.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)