

05.07.2023
rc/ct.no.10
Item No.34

WPA No. 14963 of 2023
Debasish Das
Versus
Public Works Department & Ors.

Mr. A. Pandey
Mr. Sudipta N. Ghosh ...for the petitioner

Mrs. Mekhla Sinha
Mrs. Malabika Roy Dey
...for the Howrah Zilla Parishad

Mr. Arindam Chattopadhyay
Mr. Souvik Dey ...for the State

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

On the prayer of the petitioner liberty is granted to implead the Assistant Engineer, Public Works Department, Government of West Bengal as respondent no. 7 in the writ petition.

The cause title of the writ petition be amended accordingly.

The petitioner claims to be recorded owner of the plot in question and complains that several encroachers have encroached upon a portion of the PWD road adjoining his plot, thereby obstructing his ingress and egress. The petitioner submitted a representation in this regard before the concerned authority on 13th April, 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 State-respondents that several persons have been running their shops on PWD road and upon enquiry it was found that the said occupants do not possess any document in support of their title or possession.

It is not in dispute that the alleged encroachment is on PWD road.

In view of the same, this Court is inclined to hold that the representation submitted by the petitioner be directed to be disposed of by the concerned authority and necessary steps be taken by the authority for removal of the encroachers in accordance with law.

Accordingly, the writ petition is disposed of directing the 7th respondent to consider and dispose of the representation submitted by the petitioner on 13th April, 2023 within a period of three months from the date of communication of this order, after giving reasonable opportunity of hearing to all the interested persons including the petitioner and the alleged encroachers, in accordance with law.

With the above observations and directions this 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 furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh,J)