

05.07.2023
rc/ct.no.10
Item No.35

WPA No. 14989 of 2023
Esrafil Sekh
Versus
The State of West Bengal & Ors.

Mr. R. Das
Mrs. Sabera Khatun
Mrs. Monalisa Das ...for the petitioner

Mr. Supratim Dhar
Mrs. Reshma Chatterjee ...for the State

Mr. Kingsuk Mondal
Mr. Tapodip Gupta
..for the respondents no. 7, 8 & 9

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

The petitioner claims to be recorded owner of the plot in question and submits that the private respondents have raised unauthorised construction by encroaching 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 7th June, 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 respondents have raised construction on the land owned by them and have not encroached upon any portion of PWD road.

It is submitted on behalf of the State-respondents that pursuant to the representation submitted by the petitioner, the Assistant Engineer, PWD, Jangipur Sub-Division, by a letter issued on June 14, 2023 to the Block Land and Land Reforms Officer, Raghunathganj Block-I, Murshidabad instructed him to demarcate the allegedly encroached plot and submit a detailed report along with sketch map upon demarcation.

He also submits that the concerned authority be directed to conclude the proceedings in accordance with law.

In view of the above, this Court is inclined to hold that since instruction for demarcation of the allegedly encroached plot has been sent to the Block Land and Land Reforms Officer by the Assistant Engineer, PWD, such demarcation is directed to be completed within one month from the date of communication of this order.

In the event encroachment upon PWD road or any portion thereof is detected upon demarcation, the 5th respondent is directed to 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 demarcation report upon affording reasonable opportunity of hearing to all the affected persons including the petitioner and the private respondents, 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)