

10.08.2023  
Item No.7  
gd/ssd

MAT/1210/2023  
CAN/1/2023, CAN/2/2023

BHAGIRATH BISWAS  
VS  
STATE OF WEST BENGAL AND ORS.

Mr. Rama Halder,  
Mr. Ananda Dulal Sarkar  
..for the State.

1. None appears for the appellant.
2. This intra court appeal by a third party is directed against the order dated 22.06.2023 in WPA 13496 of 2023.
3. The respondent/writ petitioner had filed the writ petition complaining that certain bamboo trees having fallen on the property of the PWD authorities which is blocking the writ petitioner's access to the main road.
4. The writ petition was disposed of by directing the PWD authorities to remove the fallen trees which are alleged to have been blocking the writ petitioner's access to the main road.
5. The third party has filed the appeal contending that demarcation of the property of the petitioner is practically not possible and it will be

extremely difficult for respondent to demarcate the property of the petitioner and without considering these aspects the writ court has passed an order and the writ petitioner ought to have been directed to approach the civil court.

6. The learned Government counsel appearing for the respondent authorities has furnished a copy of the order passed by the Assistant Engineer, Krishnagar Highway Sub-Division No.-II dated 06.07.2023 wherein the Block Land and Land Reforms Officer, Krishnaganj Block has been requested to demarcate the writ petitioner's property and identify the PWD road flank and also requested to provide the sketch map of demarcation and its ROR at the earliest. Thus, the authorities have already taken action pursuant to the direction issued in the writ petition. The Block Land and Land Reforms Officer also sent a reply to the Assistant Engineer, Krishnagar Highway Sub-Division No.-II vide communication dated 07.07.2023 and also on 18.07.2023.

7. Thus, if the appellant has any grievance, we grant liberty to the appellant to place the same before the Block Land and Land Reforms Officer, Krishnaganj Block who shall take note of the representation of the appellant and proceed to take action in accordance with law.

8. With the above observation, the appeal stands disposed of.

**(T. S. SIVAGNANAM)**  
**CHIEF JUSTICE**

**(HIRANMAY BHATTACHARYYA, J.)**