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13.07.2023
Ct. No.10
b.das

WPA 17735 of 2022

Bivash Chandra Ghosh

Vs.

The State of West Bengal & Ors.

Mr. Kajal Ray
Mr. Suman Nandi ...for the petitioner.

Mr. Chandi Charan De
Mr. Anirban Sarkar ...for the State.

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

None appears for the private respondent despite service.

Written instructions submitted by the State respondents is taken on record.

On prayer of the petitioner liberty is granted to implead the Sub-Divisional Land and Land Reforms Officer, Chandannagar, Hooghly as respondent No.6 in the writ petition. The cause title of the writ petition be amended accordingly.

Heard learned counsels for the parties.

The petitioner complains that the private respondent has raised unauthorised construction by encroaching upon a considerable portion of the PWD land adjoining his plot, thereby obstructing his egress and ingress completely.

The petitioner submitted a representation in this regard before the concerned authority on 7th July, 2022,

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 pursuant to the representation submitted by the petitioner the Assistant Engineer, Chandannagar Highway Sub-Division, P.W. (Roads) Directorate requested the Sub-Divisional Land and Land Reforms Officer, Chandannagar vide his memo No.439 dated 22nd August, 2022 to demarcate the right of way of the said PWD land as per government records. Such demarcation is yet to be made.

In view of the above, this Court is inclined to hold that since the Sub-Divisional Land and Land Reforms Officer, Chandannagar has been directed to demarcate the allegedly encroached land, the said authority be directed to complete such demarcation and submit a report to that effect before the Assistant Engineer, being the 3rd respondent herein, within one month from date.

Upon receipt of such report, in the event encroachment upon the PWD land or any portion thereof is detected, the 3rd respondent is directed to initiate proceeding under Section 10 of the West Bengal Highways Act, 1964 and take the proceeding to its logical conclusion within two months thereafter upon affording reasonable opportunity of hearing to all the interested persons including the petitioner and the private respondent, in accordance with law.

With the above observations and directions this writ petition being WPA 17735 of 2022 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.)