

WPA 19594 of 2021

Surjyakanta Bera & Ors.

Vs.

The State of West Bengal & Ors.

Mr. Goutam Thakur
Ms. Anandamayee Ghosh ...for the petitioners.

Mr. Jahar Dutta
Mr. Bipin Ghosh ...for the State.

None appears for the private respondent despite service.

Heard learned counsels for the parties.

It is contended on behalf of the petitioners that the private respondent has raised unauthorised construction on a portion of the PWD road adjoining the plot of the petitioners, thereby obstructing their egress and ingress.

The petitioners submitted a representation in this regard before the concerned authority on 23rd August, 2023, pursuant to which the Assistant Engineer, Contai Highway Sub-Division, P.W. (Roads) Directorate by a letter issued on 23rd December, 2021 to the Block Land and Land Reforms Officer, Patashpur-I, Purba Midnapore requested the latter to demarcate the plot in question and send the report along with sketch map and record of rights to him.

The supplementary affidavit used by the petitioners demonstrates that such report was submitted by the Block

Land and Land Reforms Officer before the Assistant Engineer despite which no further step has been taken by the authority.

Upon consideration of the submission made on behalf of the parties, this Court is inclined to hold that since demarcation of the plot in question has been made by the concerned authority, the concerned authority be directed to initiate proceedings under Section 10 of the West Bengal Highways Act, 1964 in the event encroachment is detected on the said plot and take the proceedings to its logical conclusion within a stipulated time frame.

In view of the above, the writ petition is disposed of directing the concerned authority, being the 4th respondent herein, to initiate proceedings under Section 10 of the Act of 1964 in the event encroachment of the PWD road or any portion thereof is found and take the proceeding to its logical conclusion within a period of two months from the date of communication of this order, after granting reasonable opportunity of hearing to all the interested persons including the petitioners and the private respondent, in accordance with law.

With the above observations and directions this writ petition being WPA 19594 of 2021 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.)