

432
22.11.2023
Ct. No.10
b.das

WPA 20190 of 2023

Bulu Nath @ Bulurani Nath
Vs.
The State of West Bengal & Ors.

Mr. Atis Kr. Biswas
Ms. Jyoti Agarwal ...for the petitioner.

Mr. Indranil Roy
Mr. Tapas Kr. Mandal ...for the State.

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

None appears for the private respondents despite service.

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

Heard learned counsels for the parties.

The petitioner claims to be the recorded owner of 58 decimals of land in LR Dag No.534, Khatian No.8181, JL No.060 Mouza-Debagram in Police Station Kaliganj, District Nadia and complains that the private respondents have encroached upon PWD land adjoining her property, thereby obstructing her egress and ingress.

The petitioner submitted a representation in this regard before the concerned authority on 26th June, 2023 and prays for a direction upon the concerned authority to consider the representation at the earliest.

Placing reliance on the instructions submitted on behalf of the State respondents, learned counsel for the State respondents submits that pursuant to the representation submitted by the petitioner the Assistant Engineer, Plassey Highway Sub-Division, P.W. (Roads) Directorate by a letter issued on 18th July, 2023 requested the Block Land and Land Reforms Officer, Block-Kaliganj, District-Nadia to demarcate the government land in dispute. Learned counsel submits that the demarcation report has not been received as yet.

In view of the above, this Court is inclined to hold that since demarcation of the land in dispute has been requested to be made by the Assistant Engineer, being the 14th respondent herein, the writ petition be disposed of directing the Block Land and Land Reforms Officer, being the 6th respondent herein, to submit the demarcation report before the 14th respondent 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 14th 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 from the date of receipt of the report upon affording reasonable opportunity of hearing to all the interested persons including the petitioner and the private respondents, in accordance with law.

With the above observations and directions the writ petition being WPA 20190 of 2023 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.)