

January 17, 2023
ARDR
(60)

WPA 20599 of 2022

Chhabi Rani Das
Vs.
The State of West Bengal & Ors.

Adv. Nirmalendu Patra,
Adv. Debnarayan Patra,
...for the petitioner.
Adv. Mukteswar Maity,
...for the respondent nos. 8 to 11.
Adv. Partha Pratim Roy,
Adv. Ram Chandra Guchait,
...for the State.

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

The petitioner claims to be the recorded owner of the plot in question and complains that the private respondents have raised unauthorised construction upon encroaching upon PWD road adjoining her property thereby obstructing his egress and ingress. The petitioner submitted a representation before the concerned authority in this regard on 28th February, 2017 pursuant to which the Block Land & Land Reforms Officer, Contai-I Block, Purba Medinipur has been requested to take necessary steps for demarcation of the said PWD land by a letter issued on 2nd August, 2022 by the Assistant Engineer, PWD Contai Sub-Division.

It is submitted on behalf of the private respondents that they have not encroached upon any portion of PWD

land and have been granted licence by the Contai Municipality to carry on business in the plot in question.

Learned counsel for the State respondents submits that the Block Land & Land Reforms Officer be directed to complete the demarcation and submit a report before the 3rd respondent who shall thereafter take necessary steps, if any, under Section 10 of the West Bengal Highways Act, 1964.

Upon consideration of the submissions made on behalf of the parties, the writ petition being WPA 20599 of 2022 is disposed of directing the 7th respondent to complete the demarcation of the plot in question as indicated in the letter issued on 2nd August, 2022 by the Assistant Engineer, PWD Contai Sub-Division within one month from date and submit a report thereof before the 3rd respondent accordingly. In the event encroachment/ obstruction on PWD land is detected upon demarcation, 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 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.

Since the private respondents claim that they have been issued licence by the Contai Municipality, the Contai

Municipality should also be given an opportunity of hearing before the concerned authority.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

There shall however, be no order as to costs.

Urgent certified website copy of this order, if applied for, be furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh, J.)