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jdt.

18.07.2023
jb.

W.P.A. 21562 of 2022
(Ambika Munian & Ors. vs. State of West Bengal & Ors.)

Mr. Dilip Kr. Shyamal
Mr. Gourab Ghosal
.... For the Petitioners
Mr. Santanu Kr. Mitra
Mr. Amartya Pal
.... For the State

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

The petitioners complain that the private respondent has raised unauthorised construction by encroaching upon a portion of the PWD road adjoining their property, thereby obstructing their egress and ingress. The petitioners submitted a representation in this regard before the concerned authority on 23rd May, 2022.

It is submitted on behalf of the State respondents that pursuant to the representation submitted by the petitioners, physical verification/joint field enquiry of the allegedly encroached land has been scheduled on 25th July, 2023.

In view of the above, this Court is inclined to hold that since joint field verification of the plot is in process, the concerned authority being the Block Land and Land Reforms Officer, Namkhana, the 7th respondent herein, be directed to complete such demarcation and submit the report to that effect before the 5th respondent within one month from date. In the event encroachment upon PWD road or any portion

thereof is detected upon demarcation, the Assistant Engineer, Kakdwip National Highway Division, being the 5th respondent herein, shall 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 report of the 7th respondent, upon affording reasonable opportunity of hearing to all the interested persons including the petitioners and the private respondent, in accordance with law.

The writ petition is thus disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)