

WPA 21650 of 2022

Jiten Sarkar
Vs.
The State of West Bengal & ors.

Adv. Timir Baran Saha,
...for the petitioner.

None appears for the respondents despite service.

Mr. Chandi Charan De, advocate who usually appears for the State and is present in Court today, is requested to represent the State along with his junior Mr. Anirban Sarkar, advocate in this matter.

Their appointment be regularised by the office of the learned Legal Remembrancer.

The petitioner is directed to serve copy of the writ petition along with annexures thereto upon Mr. Sarkar, advocate in course of this day.

The petitioner claims to be the recorded owner of the plot in question and complains that the private respondents have raised unauthorised construction by encroaching upon the PWD land adjoining his property, thereby obstructing his egress and ingress. The petitioner submitted a representation in this regard before the concerned authority on 23rd December, 2021.

Learned counsel for the petitioner has taken this Court to letters issued by the Assistant Engineer, PWD, Krishnanagar Sub-Division to the Block Land & Land Reforms Officer on 22nd February, 2022 and 4th March, 2022 respectively, in response to the representation

submitted by the petitioner, requesting the Block Land & Land Reforms Officer to demarcate the plot in dispute in order to ascertain whether the said plot belongs to the Government. It appears that demarcation is yet to be made.

Upon consideration of the submission made on behalf of the parties, this Court is inclined to hold that since the Assistant Engineer, being the 4th respondent herein, has written to the Block Land & Land Reforms Officer, being the 5th respondent herein, for demarcation of the plot in question, such demarcation should be completed by the 5th respondent upon service of notice to all concerned including the petitioner and the private respondents and report be submitted before the 4th respondent within one month from date. Upon receipt of such report, in the event encroachment upon PWD land or any portion thereof is found, the 4th 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 demarcation 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 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.)