

22.06.2023
rc/ct.no.10
Item No.30

WPA No. 22462 of 2022
Md. Hamidul Islam Laskar
Versus
State of West Bengal & Ors.

Mr. Prakash Chandra Mondal
Mr. Dinesh Chandra Mondal ...for the petitioner

Mr. Rama Prasad Sarkar
Mrs. Anita Deb Jana ...for the State

Affidavit of service filed in Court today is taken on record.

It appears that the postal envelopes sent to the respondent nos. 8 and 9 have returned with an endorsement "refused" which amounts to good service.

None appears for the private respondents despite service.

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 a portion of the PWD land adjoining his plot, thereby obstructing his ingress and egress. The petitioner submitted a representation in this regard before the concerned authority on 14th December, 2020 pursuant to which to the Sub-Divisional Officer, Diamond Harbour, South 24-Parganas issued a letter to the Block Land and Land Reforms Officer, Mograhat-I, South 24-Parganas on December 23, 2020 requesting the latter to enquire into

the matter and send a detailed report. A further reminder was issued by the Sub-Divisional Officer to the Block Development Officer, Mograhat-I, South 24-Parganas requesting him to look into the matter. As no step was taken by the concerned authorities in this regard, the petitioner submitted a further representation before the authority on August 16, 2022 followed by a demand of justice through his learned advocate on September 08, 2022.

The petitioner prays for a direction upon the concerned authority to consider the said representations and take necessary steps for demolition of the unauthorised construction made on the PWD land.

Upon consideration of the submission made on behalf of the parties and the material on record, this Court is inclined to hold that since the request for demarcation of the disputed land has been made, the Block Land and Land Reforms Officer, Mograhat-I, South 24-Parganas, being the 6th respondent herein, is directed to demarcate the said land in accordance with law and submit a report to that effect before the 4th respondent within one month from date. In the event encroachment upon PWD land or any portion thereof is detected upon demarcation, 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 this writ petition is disposed of.

There shall be, however, 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 furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh,J)