

81
10.01.2023
Ct. No.10
b.das

W.P.A. 25363 of 2022

Avik Kabiraj
Vs.
The State of W. B. & Ors.

Mr. Timir Baran Saha ...for the petitioner.

Mr. Manas Kr. Das
Mr. Asraf Mondal ..for the respondent No.8.

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

None appears for the State respondents despite service.

Heard learned counsels for the parties.

The grievance of the petitioner is that private respondents have raised unauthorised construction by encroaching upon a portion of PWD highway adjoining the land of the petitioner, thereby obstructing his egress and ingress.

The petitioner submitted a representation before the concerned authority requesting removal of such unauthorised encroachment. Pursuant to such representation, the Assistant Engineer, Plassey Highway Sub-division, PW (Roads) Directorate by a letter issued on 18th August, 2022 to the Block Land and Land Reforms Officer, Tehatta-I Block requested the latter to fix up date

and time for demarcation of the allegedly encroached portion of the road.

It is submitted on behalf of the petitioner that no further step has been taken by the concerned authority as yet.

It is submitted on behalf of the private respondents that the private respondents are extremely poor persons and have been occupying the plot in question for more than 35 years.

Be that as it may, since the process of demarcation of the plot in question is pending before the authority, the concerned authority be directed to complete such demarcation within a stipulated time frame.

Accordingly, the writ petition is disposed of directing the 5th respondent to complete the demarcation of the plot in question in presence of both the parties or their authorised representatives in terms of letter issued to him on 18th August, 2022 within six weeks from the date of communication of this order.

In the event any encroachment is found upon the PWD highway, necessary steps be taken by the authority concerned under Section 10 of the Act of 1964.

With the above observations and directions this writ petition being WPA 25363 of 2022 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.)