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jdt.

20.07.2023
jb.

W.P.A. 26185 of 2022
(Borhan Ali Hajari vs. State of West Bengal & Ors.)

Mr. Rameshwar Sinha
Sk. Md. Ashik Iquebal
.... For the Petitioner

Md. Iddrish
Ms. Somashree Dey
.... For the State

Learned counsel for the State respondents does not intend to submit any report as sought.

It appears on an allegation made by the petitioner that the private respondents have raised unauthorised construction by encroaching upon PWD land, the Block Land and Land Reforms Officer, Amta I, Howrah was requested to demarcate the plot in dispute by a letter issued by the Assistant Engineer, Amta Highway Sub-Division, P.W. (Roads) Directorate on 29th August, 2022.

In view of the above, this Court is inclined to hold that if the demarcation has not been concluded as yet, the Block Land and Land Reforms Officer being the 5th respondent herein, be directed to complete such demarcation and submit a report to that effect within one month from date before the Assistant Engineer, Amta Highway Sub-Division, P.W.D. Roads being the 3rd

respondent herein. In the event encroachment upon PWD land or any portion thereof is detected upon demarcation, the third 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 demarcation report upon affording reasonable opportunity of hearing to all the interested persons including the petitioner and the private respondents, in accordance with law.

The writ petition is accordingly 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.)