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jdt.

25.07.2023
jb.

W.P.A. 26413 of 2022
(Amiya Kumar Sahu & Ors. vs. State of West Bengal & Ors.)

Mr. Subhrangshu Panda
Ms. Ina Bhattacharyya
.... For the Petitioners

Mr. Chandi Charan De
Mr. Anirban Sarkar
.... For the State

Mr. Sukanta Chakraborty
Mr. Anindya Halder
.... For the Respondent No. 10

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

None appears for the respondent Nos. 11 and 12
despite service.

It is submitted on behalf of the petitioners that the
private respondents have raised unauthorised
construction by encroaching upon a portion of the
National Highway which is under the control and
supervision of the Public Works Department, Kakdwip
Sub Division, South 24 Parganas. The encroached area
is adjoining the property of the petitioners and the
egress and ingress of the petitioners are being
obstructed due to such encroachment.

The petitioners submitted a representation in this
regard before the concerned authority on 17th May,
2022 pursuant to which a letter has been issued by the

Block Land and Land Reforms Officer, Namkhana, South 24 Parganas to the Assistant Engineer, Kakdwip National Highway Subdivision, Public Works (Roads) Directorate, on 1st June, 2023, that is, during pendency of the writ petition, requesting deployment of authorised persons with necessary acquisition details for holding a joint verification on 21st June, 2023. Learned counsel for the petitioners submits that though joint verification was held in presence of the petitioners, no further communication has been made to the petitioners by the authority.

Be that as it may, this Court is inclined to hold that since a joint verification in respect of the plot in dispute has been held by the concerned authority and in the event encroachment upon the National Highway or any portion thereof is detected upon joint verification/demarcation, the concerned authority 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 communication of this order upon affording reasonable opportunity of hearing to all the interested persons including the petitioners 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.)