

May 18, 2023
(76) ARDR

WPA 27258 of 2022

Manas Nayak & anr.

Vs.

The State of West Bengal & ors.

Adv. Debasish Das,

...for the petitioners.

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

None appears for the State respondent, despite service.

Mr. Chandi Charan De, who usually appears for the State and is present in Court today, is requested to represent the State in this matter.

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

The petitioners are directed to serve copy of the writ petition along with annexures thereto upon Mr. De in course of this day.

The petitioners claim to be the recorded owners of the plot in question and complain that the private respondent has raised unauthorised construction by encroaching a portion of the PWD road adjoining their plot, thereby obstructing their egress and ingress. The petitioners submitted a representation in this regard on 18th May, 2022 pursuant to which demarcation of the plot was held by the concerned Block Land & Land Reforms Officer, Egra-I. In an order passed on 20th March, 2023,

the Assistant Engineer, Contai Highway Sub-Division P.W. (Roads) Department, has held that it appears that the private respondents have encroached upon Government land. The said authority requested the private respondents to remove the unauthorised encroachment from the plot in question.

In view of the above, this Court is inclined to hold that since encroachment upon the Government land has been found by the concerned authority, the concerned authority be directed to initiate proceedings under Section 10 of the West Bengal Highways Act, 1964, if not already initiated, and take the proceedings to its logical conclusion within a stipulated time frame.

It is submitted on behalf of the State respondents that the 6th respondent be directed to take necessary steps in accordance with law.

Accordingly, the writ petition is disposed of directing the 6th respondent to initiate proceedings under Section 10 of the Act of 1964, if not already initiated, and take the proceedings 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.

With the aforesaid directions, WPA 27258 of 2022 is disposed of.

There shall however, be no order as to costs.

Since no affidavit in opposition 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 on usual undertakings.

(Suvra Ghosh, J.)