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jdt.

13.01.2023
jb.

W.P.A. 27706 of 2022
(Faij Ali Khan & Anr. vs. State of West Bengal & Ors.)

Mr. R.C. Guchhait

.... For the Petitioners

Mr. Asim Kr. Ganguly

.... For the State

Affidavit of service filed on behalf of the petitioners and the report submitted by the learned counsel for the State is taken on record.

Supplementary affidavit submitted on behalf of the petitioners is taken on record.

By consent of the parties liberty is granted to the petitioners to correct prayer 'a' of the writ petition in terms of the supplementary affidavit.

Heard learned counsels for the parties.

The petitioners claim to be recorded owners of the plot in question and submit that private respondents have raised unauthorised construction by encroaching upon a portion of the P.W.D. land adjoining their property thereby obstructing their egress and ingress. The petitioners submitted a representation in this regard before the concerned authority on 21st November, 2022 which is yet to be considered.

It is submitted on behalf of the State respondents that pursuant to the representation submitted by the petitioners a notice has been issued by the Assistant Engineer, PWD, Contai Sub-Division to the Block Land

and Land Reforms Officer, Ramnagar –II Block, Balisai, Purba Medinipur on 20th December, 2022 requesting demarcation of the plot in question. Such demarcation is yet to be made.

In view of the above, this Court is inclined to hold that since notice of demarcation has been issued by the concerned authority pursuant to the representation submitted by the petitioner, the concerned authorities are directed to complete the process of demarcation within stipulated time frame and in the event encroachment is detected on P.W.D. land, necessary steps be taken in accordance with law.

Accordingly, the writ petition is disposed of directing the concerned authority to cause demarcation of the plot in question in presence of the interested persons including the petitioners and the private respondents within one month from the date of communication of this order. In the event encroachment/obstruction is detected on P.W.D land, proceeding be initiated by the concerned authority, in accordance with law and taken to its logical conclusion within three months thereof upon affording reasonable opportunity of hearing to all the interested persons including the petitioners and the private respondents.

The writ petition is thus 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.)