

WPA 28513 of 2022

Dilip Karmakar & anr.

Vs.

The State of West Bengal & Ors.

Adv. Partha Pratim Roy,
Adv. Dyutiman Banerjee,

...for the petitioners.

Adv. Habibur Rahaman,
Adv. Farhat Gulshan,

..for the respondent nos. 8 to 10.

Adv. Mujibar Rahman,
Adv. Abdus Salam,

...for the State.

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

The petitioners claim to be recorded owners of the plot in question and submit that the private respondents have raised unauthorised construction by encroaching upon a portion of the PWD land adjoining their land thereby obstructing the egress and ingress of the petitioners. The petitioners submitted a representation before the concerned authority through their learned advocate on 16th December, 2020 pursuant to which the Assistant Engineer, Plassey Highway Sub-Division P.W. (Roads) Directorate by a letter issued to the Sub-Divisional Officer, Sadar, Krishnanagar, Nadia on 18th July, 2022 stated that there is unauthorised construction made by encroachers on PWD road.

Learned counsel for the petitioners submits that no further step has been taken by the concerned authority

under Section 10 of the West Bengal Highways Act, 1964 for removal of such unauthorised construction/encroachment.

It is submitted on behalf of the private respondents that the private respondents have been occupying the plot in question for several years and run their business therein upon payment of taxes as well as electricity charges.

It is submitted on behalf of the State respondents that the concerned authority be directed to initiate proceeding under the Act of 1964 at the earliest.

In view of the above, this Court is inclined to hold that since encroachment upon the PWD road has been detected by the Assistant Engineer, the concerned authority be directed to initiate proceeding under Section 10 of the West Bengal Highways Act, 1964 and take the proceeding to its logical conclusion within a stipulated time frame.

Accordingly, the writ petition being WPA 28513 of 2022 is disposed of directing concerned respondent to initiate proceeding under Section 10 of the Act of 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.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

There shall however, be no order as to costs.

Urgent certified website copy of this order, if applied for, be furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh, J.)