

09.04.2024
rc/ct.no.10
Item No.731

WPA No. 194 of 2024
Koushik Chakraborty & Ors.
Versus
The State of West Bengal & Ors.

Mr. Tanmay Basu
Mr. Debdip Mandal ...for the petitioners

Mr. Ayan Banerjee
Mr. Debapriya Chatterjee ...for the State

Mr. Surya Sarathi Basu
Mr. Rahul Banerjee ..for the private respondents

Affidavit of service filed in Court today is taken on record.

The petitioners claims to be recorded owners of the plots in question and submit that the private respondents have raised unauthorised construction by encroaching upon a portion of the PWD land adjoining their property, thereby obstructing their ingress and egress. The petitioners submitted a representation in this regard before the concerned authority on December 11, 2023 which is yet to be considered. The petitioners pray for a direction upon the concerned authority to consider the representation at the earliest.

Learned counsel for the private respondents submits that the plot in question has been recorded in the LR Record of Rights as plot belonging to the Zilla Parishad, South 24-Parganas.

It is submitted on behalf of the State-respondents that the 3rd respondent be directed to consider the representation in accordance with law.

It transpires from the earlier order passed by the District Magistrate, South 24 Parganas on August 03, 2021 in an application under Section 10(4) of the West Bengal Highways Act, 1964 (hereinafter referred to as “the Act of 1964”) filed by other encroachers of the plot in question being plot no. 622 that the said plot is maintained by PWD(Roads) and is required for proper maintenance of the road, free water flow and development/extension of the highway. Therefore it can be prima facie held that the plot in question is under the control and supervision of the PWD.

In view of the above, the writ petition is disposed of directing the 3rd respondent to consider and dispose of the representation submitted by the petitioners on December 11, 2023 within a period of three months from the date of communication of this order, after giving reasonable opportunity of hearing to all the interested persons including the petitioners and the private respondents, in accordance with law.

With the above observations and directions this writ petition is disposed of.

There shall however be no order as to costs.

Since no affidavit 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 upon compliance of necessary formalities.

(Suvra Ghosh,J)