

September 25, 2024
Sl. No. 27
Court No.9
s.biswas

WPA 1363 of 2022

Rani Bhabani Acharya
vs.
The State of West Benga and others

Mr. Jayanta Das
Ms. Soumita Ghosh

... for the petitioner

Mr. Purnasis Bhuniya

... for the respondent no.9

1. The petitioner has already approached the Executive Engineer, PWD, Tamluk Division, with an allegation that some illegal encroachments have been made on the PWD land by the respondent nos.9 and 10.
2. Learned advocate for the respondent no.9 submits that there are other similar constructions on PWD land since long and the PWD authorities have never disputed such constructions.
3. It is further contended that the constructions on the PWD land do not cause any hindrance to the ingress and egress of the petitioner.
4. The question is whether the PWD authority shall permit any kind of encroachment on the land or not. Thus, such issue is to be decided by the PWD authority. The Executive Engineer, PWD, Tamluk Division shall dispose of such representation in accordance with law by initiating proceedings in terms of relevant statute

applicable in this case. If the matter has to be looked into by any other authority, the same must be sent to such authority and the relevant statute will be applied. Upon hearing all the parties, a reasoned order shall be communicated by the authority empowered by law to hear the matter. Before any such decision is taken, an inspection shall be held in the presence of all the parties, by the appropriate authority. For demarcation and identification, necessary assistance from the Block Land and Land Reforms Officer can also be taken. The entire exercise shall be completed within a period of six months from the date of communication of this order. Needless to mention that, the authority shall take appropriate action.

5. Accordingly, the writ petition is disposed of.
6. All parties are directed to act on the basis of server copy of the order.

(Shampa Sarkar, J.)