

March 19, 2024
ARDR (796)

WPA 2629 of 2024

Sk. Basiruddin & anr.
Vs.
The State of West Bengal & ors.

Adv. Apu Das,
Adv. Abdus Salam,

...for the petitioners.

Adv. Chandi Charan De,
Adv. Reshma Chatterjee,

...for the State.

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

None appears for the private respondents despite service.

On prayer of the petitioners, liberty is granted to implead the Block Land & Land Reforms Officer, Bhatar Block, Purba Burdwan as respondent no.8 in the writ petition.

The cause title of the writ petition be amended accordingly.

The petitioners claim to be the recorded owners of the plot in question and submit that the private respondent has raised unauthorised construction by encroaching upon a portion of the PWD land adjoining their property, thereby obstructing their egress and ingress. Pursuant to a representation submitted by the petitioners on 19th October, 2023, the Assistant Engineer, Bhatar Highway Sub-Division, being the 3rd

respondent herein, wrote to the Block Land & Land Reforms Officer, Bhatar Block on 15th February, 2024 requesting demarcation of the plot in dispute in order to ascertain encroachment, if any, thereof.

Upon consideration of the submission made on behalf of the parties, this Court is inclined to hold that since the 3rd respondent has requested the Block Land & Land Reforms Officer to demarcate the plot in dispute, the Block Land & Land Reforms Officer, being the 8th respondent herein, be directed to hold such demarcation in presence of both the parties and submit a report in this regard before the 3rd respondent within one month from date. Upon receipt of such report, in the event encroachment upon PWD land or any portion thereof is found, the 3rd respondent be directed to initiate proceeding under Section 10 of the West Bengal Highways Act, 1964 and take the proceeding to its logical conclusion within two months from the date of receipt of such report upon affording reasonable opportunity of hearing to all the interested persons including the petitioners and the private respondent, in accordance with law.

With the aforesaid directions the 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 have been admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)