

January 22, 2024
ARDR (18)

WPA 7104 of 2023

Sanat Ghosh
Vs.
The State of West Bengal & ors.

Adv. Sabir Ahmed,
Adv. Suman Biswas,
Adv. Tarvim Ahmed,

...for the petitioner.

Adv. Amuruzzaman,

...for the respondent no.7.

Adv. Dwarika Nath Mukherjee,
Adv. Manik Lal De,

...for the State.

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

None appears for the private respondents despite service.

The petitioner claims to be the recorded owner of the plot in question and complains that the private respondents have raised unauthorised construction by encroaching upon a portion of the PWD road adjoining his property, thereby obstructing his egress and ingress.

In the report in the form of affidavit submitted on behalf of the State respondents, the respondents have admitted such encroachment and unauthorised construction but strangely enough, no step has been taken by the State respondents for removal of the same.

In view of the above, this Court is inclined to hold that since the State respondents have admitted that the private respondents have raised unauthorised construction by encroaching upon a portion of the PWD road, the 6th respondent is directed to take necessary steps for demarcation of the exact quantum of land encroached

upon by the private respondents and thereafter, initiate proceedings under Section 10 of the West Bengal Highways Act, 1964. The said respondent is directed to take the proceedings to its logical conclusion within three months from the date of communication of this order upon affording reasonable opportunity of hearing to all concerned including the petitioner and the private respondents, in accordance with law.

With the aforesaid observations and 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 be 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.)