

January 24, 2024
(7) ARDR

WPA 7732 of 2023

Anup Kumar Bag
Vs.
The State of West Bengal & Ors.

Adv. Kaustav Chandra Das,
Adv. Sk. Sahjahn Ali,
...for the petitioner.
Adv. Balaram Pandit,
Adv. Krishna Deo Das,
...for the respondent nos. 7 to 13.
Adv. Chandi Charan De,
Adv. Amrita Panja Moulick,
...for the State.

Exception used by the petitioner to the report submitted on behalf of the State respondents is taken on record.

Heard learned counsels for the parties.

The petitioner claims to be the recorded owner of the plot in question and submits that the private respondents have encroached upon PWD land adjoining his property, thereby obstructing his egress and ingress.

It appears from an order passed on 28th January, 2020 by the Executive Engineer, Tamluk Highway Division Public Works (Roads) Directorate that the private respondents have agreed to the fact that they are in occupation of Government land and are running their business therein. Strangely, in the order impugned passed on 28th February, 2023 the Executive Engineer has recorded that it is noticed that the private respondents have not encroached upon any Government

land in front of plot no.1817, which is contrary to the admission of the private respondents as recorded in the earlier order.

In view of the above, the order impugned dated 28th February, 2023 is set aside.

The Executive Engineer, Tamluk Highway Division, Public Works Department (Roads), Government of West Bengal, being the 2nd respondent herein, is directed to take necessary steps for demarcation of the plot in question in order to ascertain the quantum of land encroached upon by the private respondents.

The Block Land & Land Reforms Officer, Patashpur-I, being the 5th respondent herein, is directed to cooperate with the 2nd respondent and submit the demarcation report before the 2nd respondent within one month from date upon holding the demarcation as indicated in this order in presence of the petitioner and others concerned.

Upon receipt of such report, the 2nd respondent is directed to initiate proceedings under Section 10 of the West Bengal Highways Act, 1964 (since encroachment has been admitted by the private respondents) and take the proceeding to its logical conclusion within three months from the date of communication of this order upon affording reasonable opportunity of hearing to all interested persons 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.)