

October 1, 2024
Sl. No.14
Court No.9
s.biswas

WPA 9401 of 2024

Sukumar Baidya

vs.

The State of West Bengal and others

Mr. Prabir Maji

... for the petitioner

Mr. Vijay Agarwal

... for the State

1. Despite service, none appear on behalf of the respondent no.7.
2. The Assistant Engineer, Lakhikantapur Highway Sub-Division, P.W.(Roads) Directorate, Karbala, Dakshin Bisnupur, shall consider the grievance of the petitioner and proceed in accordance with law by relegating the matter to the appropriate authority.
3. The allegation of the petitioner is that the respondent no.7 had encroached PWD land. Whether the alleged encroachment is on a highway or on a PWD land or any government land, requires clarification. On ascertaining the issue as to whether the land belongs either to the PWD or the highway authorities or any other department of the government, and whether there is any encroachment or not, the competent authority shall initiate a proceeding in accordance with the applicable law. The entire action shall be taken and completed within a period of six

months from the date of communication of this order.

4. It is made clear that whichever authority has jurisdiction over such complaint of the petitioner under the applicable law, an inspection to ascertain the encroachment shall be made in the presence of the petitioner and the respondent no.7. The Block Land and Land Reforms Officer shall also be present for identification and demarcation. Upon such exercise being completed, a report shall be prepared and supplied to the parties. The parties shall be allowed to deal with such report and thereafter issue necessary orders with reasons. Needless to mention, the steps under the law shall be taken on the basis of the order of the authority.
5. Accordingly, the writ petition is disposed of.
6. There shall be no order as to costs.
7. All the parties are directed to act on the basis of the server copy of the order.

(Shampa Sarkar, J.)