

March 4, 2024
ARDR (59)

WPA 9620 of 2022

Minor Murshidul Arefin
Vs.
The State of West Bengal & ors.

Adv. Partha Pratim Roy,
Adv. Sarbananda Sanyal,
...for the petitioner.
Adv. Robiul Islam,
Adv. Raju Mondal,
Adv. Masooq Rahman,
...for the respondent nos. 7 to 11.
Adv. Soumitra Bandyopadhyay,
Adv. Subhasis Bandyopadhyay,
...for the State.

In an earlier writ petition, being WPA 9675 of 2020, the petitioner complained of unauthorised construction made by the private respondents in front of his land, thereby obstructing his egress and ingress. By an order passed on 15th September, 2021, this Court directed the Assistant Engineer (PWD) Berahmpore Sub-Division-II to consider and dispose of the application filed by the petitioner in that regard within a stipulated time frame. It was subsequently found that the Assistant Engineer (PWD), Behrampore Sub-Division-III was the competent authority to consider the representation submitted by the petitioner. By a letter issued to the Block Land & Land Reforms Officer, Jalangi, Murshidabad on 17th December, 2020, the Assistant Engineer requested immediate measure for necessary demarcation of the plot in dispute in order to issue notice upon the encroachers under Section 10(2) of the

West Bengal Highways Act, 1964. Learned counsel for the petitioner submits that the concerned authority be directed to take necessary steps in terms of the earlier order passed by this Court.

Upon consideration of the submission made on behalf of the parties, the writ petition is disposed of directing the Assistant Engineer, PWD Roads, Murshidabad Highway Sub-Division – III, being the 4th respondent herein to act in terms of the order passed by this Court on 15th September, 2021 in WPA 9675 of 2020 and complete the entire proceeding within three months from the date of communication of this order upon affording reasonable opportunity of hearing to all the interested persons including the petitioner and the private respondents, 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 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.)