

14
24.05.2024
Ct. No.10
b.das

WPA 11151 of 2024

Ratikanta Mondal
Vs.
The State of W.B. & Ors.

Mr. Supriyo Chattopadhyay
Mr. D. Chatterjee ...for the petitioner.

Mr. Soumitra Bandyopadhyay
Mr. Mohan Kr. Sanyal ...for the State.

Mr. Prolay Bhattacharya
Ms. Tanusree Ghosh ...for respondent nos.10,12 & 14.

Affidavit of service filed by the petitioner 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 raised unauthorised construction by encroaching upon a portion of PWD land adjoining his property, thereby obstructing his egress and ingress.

The petitioner submitted a representation in this regard before the concerned authority on 26th March, 2024 which is yet to be considered. The petitioner prays for a direction upon the concerned authority to consider the representation at the earliest.

Learned counsel for the State respondents submits that demarcation of the plot in dispute is required in order

to ascertain whether any unauthorized construction has been made therein.

Learned counsel for the private respondents submits that in the event it is found that the private respondents have encroached upon PWD land, they shall bow down to the steps taken by the State in this regard.

Upon consideration of the submission made on behalf of the parties, this Court is inclined to hold that since the petitioner and the State respondents seek demarcation of the plot in question in order to ascertain the extent of encroachment, if any, therein, the writ petition be disposed of directing the 6th respondent to consider and dispose of the representation submitted by the petitioner dated 26th March, 2024 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.

The 6th respondent shall take necessary steps for demarcation of the plot in dispute by the 4th respondent and in the event encroachment upon PWD land or any portion thereof is found upon demarcation, shall initiate proceeding under Section 10 of the West Bengal Highways Act, 1964 and take the proceeding to its logical conclusion within the stipulated time frame.

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.)