

10.09.2024
Sl. No.1(DL)
srm

W.P.A. No. 10885 of 2023
Mst. Sahana Parvin & Ors.
Versus
The State of West Bengal & Ors.

Mr. Pinaki Dhole,
Mr. Rabindra Kumar Pathak
...for the Petitioner.

Ms. Shipra Mazumder,
Ms. Sangeeta Roy
...for the State-respondents.

Mr. Ramdulal Manna,
Mrs. Manju Manna (Dey),
Ms. Sayan Mukherjee
...for the Respondent Nos.7 to 12.

Despite service, none appears on behalf of the respondent Nos.13m 14, 15. Affidavit-of-service is taken on record.

The petitioner alleges that the respondent Nos.7 to 15 have encroached on a PWD land, right in front of the premises of the petitioners, thereby obstructing their ingress and egress.

Mr. Manna, learned Advocate appearing for the respondent nos.7 to 12 submits that the PWD had permitted the said respondents to use the land and the constructions were made as per the sanctions granted by the Rathbari Gram Panchayat, Malda.

The learned Advocate for the State-respondents has filed a report which indicates that the Block Land and Land Reforms Officer, Mothabari, Mothabari, Malda, was asked to make arrangements for demarcation of the land. Such letter was sent to the Block Land and Land Reforms Officer on May 8, 2023.

Under such circumstances, the writ petition is disposed of with the direction upon either the respondent No.3 or any other competent authority under the West Bengal Highways Act, 1964 to hold an inspection in accordance with law, in the presence of the petitioners, respondent Nos.7 to 15, the local panchayat authorities and any other interested party.

The inspection team shall be accompanied by the Block Land and Land Reforms Officer, Mothabari along with an Amin so that the demarcation can be effected. A report shall be prepared and served upon all the parties. The parties shall be entitled to respond to the report and file their written objections/written submissions. Thereafter, the authority shall proceed in accordance with the provisions of the applicable laws.

The entire exercise shall be completed within six months from date.

As no affidavits have been called for, all allegations are deemed to be denied, and the same shall be decided by the authority empowered by law.

The writ petition is, thus, disposed of.

There shall be no order as to costs.

Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)