

May 06, 2024
(20) ARDR

WPA 11323 of 2022

Subhas Satpati & anr.
Vs.
The Union of India & ors.

Adv. Dilip Kumar Shyamal
Adv. Gourab Ghosh,,
...for the petitioners.
Adv. Supriyo Shasmal,
...for the private respondents.
Adv. Tanushree Ghosh,
...for the UOI.
Adv. Anand Farmania,
Adv. Indumouli Banerjee,
...for the State.

Affidavit of service filed on behalf of the petitioners
is taken on record.

The petitioners claim to be the recorded owners of
8 decimals of land in R.S. Dag no. 466 corresponding to
L.R. no. 604/817 in Mouza Narayanpur, Police Station
Kakdwip, District 24 Parganas (South). The petitioners
allege that the private respondents have raised
unauthorised construction by encroaching upon a
portion of the National Highway adjoining their property,
thereby obstructing their egress and ingress. The
petitioners submitted a representation in this regard
before the concerned authority on 10th May, 2022 which
is yet to be considered. The petitioners pray for a
direction upon the authority to consider the
representation at the earliest.

Learned counsel for the private respondents
submits that the private respondents are co-owners in

respect of L.R. Dag no. 604/817 and have not encroached upon any portion of the National Highway.

Learned counsel for the State respondents submits that the pursuant to the representation submitted by the petitioners, the Block Land & Land Reforms Officer, Namkhana, South 24 Parganas, by a letter issued on 19th July, 2022 to the Assistant Engineer, Kakdwip National Highway Sub-Division, P.W. (Roads) Directorate, has requested the latter to send an authorised representative and a surveyor on the date of demarcation of the plot in dispute.

Both the petitioners and the private respondents claim to be co-owners of L.R. Dag no. 604/817 which is not the plot in dispute in the present application. The allegation of the petitioners is that the private respondents have encroached upon a portion of the National Highway adjoining L.R. Dag no. 604/817. It appears that the steps have been taken for demarcation of the allegedly encroached portion of the National Highway.

In view of the above, this Court is inclined to hold that since the process of demarcation is in progress, the Block Land & Land Reforms Officer, Namkhana, being the 5th respondent herein, be directed to demarcate the plot in dispute upon service of notice upon all concerned including the petitioners and the private respondents and submit a report to that effect before the 2nd respondent within one month from date. Upon receipt of

such report, in the event encroachment of the National Highway or any portion thereof is found, the 2nd respondent be directed to initiate proceeding under “The Control of National Highways (Land and Traffic) Act, 2002 and take the proceeding to its logical conclusion within two months from the date of receipt of demarcation report upon affording reasonable opportunity of hearing to all the interested persons including the petitioners and the private respondents, in accordance with law.

With the above 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 have been 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.)