

20.06.2024
Item No.30
PG/KS
Ct. No.1

W.P.A.(P) 205 of 2024

**Animesh Naskar
Versus
The District Magistrate/Collector, South 24 Parganas
& Ors.**

Mr. Sumitava Chakraborty
Ms. Bratati Pramanick
Ms. Satabdi Das
.....for the Petitioner

Mr. Sudipto Panda
Ms. Ananya Neogi
.....for the State

1. The petitioner seeks for action to be initiated under Section 10 of the West Bengal State Highways Act, 1964.
2. It is seen that the representation has evoked response and the Assistant Engineer, Public Works Directorate, Joynagar Sub-Division on 3rd May, 2024 has addressed the Block Land & Land Reforms Officer, South 24 Parganas in the following terms:-

“Memo No.285 **Date:03.05.2024**

To
The Block Land & Land Reforms Officer,
Mandir Bazar, South 24 – Parganas.

Sub: Demarcation of Govt. land in connection with one petition received from Satabdi Das, Adv. High Court, Calcutta on behalf of her client Animesh Naskar, residing at vill. – Uttar Gobindapur, South 24 Pgs., West Bengal.

Ref: 1) Memo No.98/LR/SDO/DH/24 dated 26.04.2024 (Copy enclosed).

Enclosed please find herewith the copy of the above mentioned petition as received from Satabdi Das, Adv. High Court, Calcutta on behalf of her client Animesh Naskar,

residing at vill. – Uttar Gobindapur, South 24 Pgs., West Bengal, which is self-explanatory.

Under the above circumstances, he is requested to verify whether there is any encroachment i.e. Shop namely Debala Bastralaya made by Mrs. Chanchala Roy over the location as mentioned in the complaint, received from the petitioner (Copy enclosed). If there is any encroachment made by the above named person (Chanchala Roy in form of Debala Bastralaya) over the P.W.D. land, please submit a report along with a neat sketch map mentioning encroachment details and provide R.O.R. at his earliest convenient for taking further necessary action.

*Sd/-
ASSISTANT ENGINEER,
JOYNAGAR SUB-DIVISION,
P.W.Dte.*

Encl: As Stated.”

3. The petitioner has rushed to this Court alleging that no action has been initiated. Since, the matter has been referred to the Block Land & Land Reforms Officer only on 3rd May, 2024 and on account of the intervening Parliamentary Elections, the officer could not have acted, therefore, the petitioner should have awaited for a reasonable time and addressed the representation and then approached the Court, if need be.
4. Therefore, we are not inclined to entertain the writ petition.
5. However, there will be a direction to the respondent no.5/Block Land and Land Reforms Officer to take note of the communication sent by the Assistant Engineer, Public Works Directorate dated 3rd May, 2024 and proceed in accordance with law as expeditiously as possible.
6. With the above observations/directions, writ petition stands disposed of.
7. No costs.

8. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T.S SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)