

06.03.2024
rc/ct.no.10
Item No.08

WPA No. 13314 of 2023
Egrajul Khan
Versus
The State of West Bengal & Ors.

Mr. Subhrangsu Panda	
Ms. Ina Bhattacharyya	
Ms. Mithu Singha Bhattacharyya	
Ms. Bratati Pramanik	
Ms. Haritri Roy	...for the petitioner
Mr. Rajarshi Basu	
Mr. K.M.Hossain	..for the State

Affidavits of service filed in Court today are taken on record.

None appears for the private respondents despite service.

The petitioner claims to be recorded owner of the plot in question and submits that the private respondents have raised unauthorised construction by encroaching upon a portion of the PWD land adjoining his property, thereby obstructing his ingress and egress. The petitioner submitted several representations before the concerned authority in this regard and prays for a direction upon the concerned authority to consider the representations at the earliest.

It is submitted on behalf of the State respondents that pursuant to the representations submitted by the petitioner, the Assistant Engineer, Uluberia Highway Sub-Division, Public Works (Roads) Department, by a letter

dated May 30, 2023 requested the Block Land and Land Reforms Officer, Uluberia-I to demarcate the plot in dispute in order to ascertain encroachment, if any, therein. Learned counsel submits that the demarcation has been made.

In view of the above, this Court is inclined to hold that since the plot in dispute has been demarcated, in the event encroachment upon the said plot or any portion thereof is found upon demarcation, the concerned authority being the 5th respondent herein, be directed to initiate proceeding under Section 10 of the West Bengal Highways Act, 1964 and take the proceeding to its logical conclusion within 2 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 above observations and directions this 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 furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh,J)