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19.02.2024
Ct. No.10
b.das

WPA 17638 of 2022

Mousumi Bhattacharya
Vs.
The State of W.B. & Ors.

Mr. Subrata Karmakar
Md. Ali Ahasan ...for the petitioner.

Mr. Chandi Charan De
Mr. Debasish Chattopadhyay ...for the State.

Affidavit of service filed by the petitioner is taken on record.

None appears for the private respondents despite service.

On prayer of the petitioner liberty is granted to implead the Block Land & Land Reforms Officer, Nalhati-II Block as respondent no.13 in the writ petition. The cause title of the writ petition be amended accordingly.

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 the PWD land between the petitioner's plot and the State Highway, thereby obstructing her egress and ingress.

Pursuant to a representation submitted on behalf of the petitioner in this regard, Executive Engineer, Birbhum

Highway Division-I, being the 2nd respondent herein, by a letter issued on 11th January, 2022, requested the Additional District Magistrate and District Land & Land Reforms Officer, Birbhum to direct the Block Land & Land Reforms Officer, Nalhati-II Block for demarcation of the government land. It is submitted that demarcation is yet to be made.

Upon consideration of the submission made on behalf of the parties, this Court is inclined to hold that since the Block Land & Land Reforms Officer, being the 13th respondent herein, has been directed to complete the demarcation of the plot in dispute, the said respondent be directed to complete the demarcation in presence of the petitioner and the private respondents and submit a report to that effect before the 6th respondent within one month from date. Upon receipt of such report, in the event encroachment upon PWD land or any portion thereof is found, the 6th respondent be directed to initiate proceeding under Section 10 of the West Bengal Highways Act, 1964 and take the proceeding to its logical conclusion within two months thereof 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 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.)