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jdt.

05.01.2024
jb.

W.P.A. 17435 of 2023
(Sk. Jobir Hosain vs. State of West Bengal & Ors.)

Mr. Aniruddha Singh
Mr. Aminuddin Khan
Ms. Gulsanwara Parin
.... For the petitioner

Mr. Supratim Dhar
Mr. Subrata Bhattacharjee
.... For the State

Md. Sarwar Jahan
Maidul Islam Kayal
Mr. Sumit Naskar
.... For the Respondent No. 6

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

On prayer of the petitioner liberty is granted to implead the Block Land and Land Reforms Officer, Budge Budge-II, South 24 Parganas as respondent No. 14 and the Assistant Engineer, PWD, South 24 Parganas as respondent No. 15 in the writ petition. Cause title of the writ petition be amended accordingly.

In an earlier writ petition being W.P.A.6149 of 2022 the writ petitioner alleged that the private respondents raised a fence on a portion of the P.W.D. road adjoining his plot, thereby obstructing his egress and ingress. By an order passed on 15th July, 2022, this Court granted liberty to the petitioner to submit a comprehensive representation before the authority and further directed the authority to consider and dispose of the representation within one month from the date of receipt thereof after affording reasonable opportunity of

hearing to all concerned including the petitioner and the private respondents.

Learned counsel for the petitioner submits that pursuant to the said order, hearing was conducted by the Assistant Engineer, PWD, South 24 Parganas on 29th August, 2022 who directed the Block Land and Land Reforms Officer to demarcate the plot in dispute within 15 days from the date of the order. Learned counsel submits that demarcation has not been held till date.

Learned counsel for the State respondents submits that the order dated 29th August, 2022 was communicated to the Block Land and Land Reforms Officer vide Memo No. 691 dated 9th August, 2023.

Upon consideration of the submission made on behalf of the parties, this Court is inclined to hold that since the demarcation of the plot in dispute is yet to be held in terms of the direction of the Assistant Engineer, PWD, the Block Land and Land Reforms Officer, Budge Budge – II, South 24 Parganas being the 14th respondent herein be directed to demarcate the plot in dispute upon service of notice upon all concerned including the petitioner and the private respondents and submit a report to that effect before the Assistant Engineer, PWD, being the 15th respondent herein within one month from this date.

In the event it is found that the PWD road or any portion thereof is encroached upon, the 15th respondent shall initiate proceeding under Section 10 of the West Bengal Highways Act, 1964 and take the proceeding to its logical conclusion within two months from the date of receipt of the demarcation report upon

affording reasonable opportunity of hearing to all the interested persons including the petitioner and the private respondents, in accordance with law.

The writ petition is thus disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)