

03.01.2024
rc/ct.no.10
Item No.14

WPA No. 18074 of 2023
Faij Ali Khan & Anr.
Versus
The State of West Bengal & Ors.

Mr. Ram Chandra Guchait ...for the petitioners

Mr. Supratim Dhar
Mr. Satyam Mukherjee ...for the State

Mr. Tapas Maity ...for the respondent nos. 12 to 16

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

None appears for the Zilla Parishad and Gram Panchayat despite service.

Supplementary affidavits submitted by the petitioners and the report submitted by the State respondents are taken on record.

It is submitted on behalf of the petitioners that pursuant to an order passed by this Court on January 13, 2023 in WPA No. 27706 of 2022 directing the concerned authority to cause demarcation of the plot in question in presence of the interested persons including the petitioners and the private respondents within a stipulated time frame and in the event the encroachment/obstruction was detected on PWD land, initiate proceeding in accordance with law, joint demarcation of the plot in question was held by the concerned authority and

unauthorised construction of several shop rooms were found on PWD land.

In the meantime private respondents filed a suit before the Civil Court, being Title Suit No. 264 of 2023 claiming adverse possession in respect of the PWD land occupied by them and obtained an order of injunction therein. Subsequently the suit was withdrawn by the private respondents.

Learned counsels for the petitioners and the State respondents submit that pursuant to a notice under Section 10(3) of the West Bengal Highways Act, 1964, both the petitioners and the respondents appeared before the Sub-Divisional Magistrate, Contai, Purba Medinipur and by an order passed on September 12, 2023, the concerned authority directed the Block Land and Land Reforms Officer, Ramnagar-II and the Assistant Engineer, Contai Sub-Division (PWD) to submit documentary evidence in respect of the plots in question within 15 days from the date of communication of the order.

Learned counsel for the petitioners submits that the concerned authority be directed to conclude the proceeding within a stipulated time frame.

Learned counsel for the private respondents submits that though the private respondents may have been occupying the PWD land, the petitioners have no locus standi to dispute such occupation before this Court.

The locus standi of the petitioners to file the present writ petition has been decided by this Court in passing an order in the earlier writ petition.

Upon consideration of the submission made on behalf of the parties, this Court is inclined to hold that since the proceeding under Section 10(3) of the Act, 1964 is pending before the concerned authority, the authority being the 10th respondent herein, be directed to take the proceeding to its logical conclusion within one month from the date of communication of this order upon affording reasonable opportunity of hearing to all concerned including the petitioners 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)