

31.01.2024
rc/ct.no.10
Item No.27

WPA No. 18441 of 2023
Palash Kanti Naskar
Versus
State of West Bengal & Ors.

Mr. Neelabha Bera ...for the petitioner

Mr. Ayan Banerjee
Mr. Prashant Kumar Tripathi ...for the State

Mr. Partha Sarathi Mondal
..for the respondent nos. 7 to 10

Written instructions submitted by the State respondents is taken on record.

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 a representation in this regard before the concerned authority on July 28, 2023 which is yet to be considered. The petitioner prays for a direction upon the concerned authority to consider the representation at the earliest.

It is submitted on behalf of the State respondents that pursuant to the representation submitted by the petitioner, the Assistant Engineer, Jay Nagar Sub-Division Highway, PWD by a letter dated August 04, 2023 to the Block Land and Land Reforms Officer, Mathurapur-II,

South 24-Parganas requested the latter to make suitable arrangement for demarcation of the disputed plot in presence of the parties. The demarcation is yet to be made.

In view of the above, this Court is inclined to hold that since steps have already been taken by the Assistant Engineer, Jay Nagar Sub-Division Highway, PWD, being the 4th respondent herein, in terms of the representation submitted by the petitioner, the Block Land and Land Reforms Officer, Mathurapur-II, South 24-Parganas, being the 5th respondent herein, is directed to complete the demarcation in terms of the letter issued by the 4th respondent and submit demarcation report within one month from date.

Upon receipt of such report, in the event it is found that the PWD land or any portion thereof is encroached upon by the private respondents, the 4th respondent shall initiate proceedings under Section 10 of the West Bengal Highways Act, 1964 and take the proceedings to its logical conclusion within two months from the date of receipt of the report upon affording reasonable opportunity of hearing to all the affected 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)