

29
31.01.2024
Ct. No.10
b.das

WPA 18860 of 2023

Pramatha Kumar Mondal
Vs.
The State of W.B. & Ors.

Mr. Kamal Mishra
Mr. Pratap Sanfui ...for the petitioner.

Mr. Chandi Charan De
Mr. Anirban Sarkar ...for the State.

Mr. Binoy Kr. Das ...for respondent nos.8 & 9.

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

Heard learned counsels for the parties.

The petitioner claims to be the recorded owner of the plot in question and complains that the private respondents have raised unauthorised construction by encroaching upon a portion of the PWD land adjoining his property, thereby obstructing his egress and ingress.

The petitioner submitted a representation in this regard before the concerned authority on 9th March, 2023 pursuant to which the Assistant Engineer, Contai Highway Sub-Division, PW (Roads) Department, by a letter issued on 5th June, 2023 to the Block Land and Land Reforms Officer, Khejuri-II, Purba Medinipur requested the latter to make necessary demarcation of the plot in dispute in order to ascertain encroachment if any and details thereof.

Learned counsel for the private respondents submits that the private respondents have raised construction on their own raiyati land and have not encroached upon any portion of the PWD land.

Learned counsel for the State respondents submits that the 4th respondent be directed to deal with the issue, in accordance with law.

In view of the above, this Court is inclined to hold that since the Assistant Engineer, being the 4th respondent herein, has requested demarcation of the disputed plot, the Block Land and Land Reforms Officer, being the 6th respondent herein, is directed to cause such demarcation in presence of all concerned including the petitioner and the private respondents and submit report in this regard before the 4th respondent within one month from date.

Upon receipt of the demarcation report in the event it is found that PWD land or any portion thereof has been encroached upon, the 4th 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 report 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.)