

March 11, 2024
ARDR (22)

WPA 19539 of 2023

Tushar Kanti Halder
Vs.
The State of West Bengal & ors.

Adv. Lakshimnath Bhattacharya,
Adv. Amit Bikram Mahata,
...for the petitioner.
Adv. Nilanjan Adhikari,
...for the respondent nos. 13 & 15.
Adv. Soumitra Bandyopadhyay,
Adv. Srinath Singha Roy,
...for the State.

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

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 PWD land adjoining his property,
thereby obstructing his egress and ingress.

Learned counsel for the petitioner submits that
pursuant to a representation submitted by him before
the concerned authority on 22nd June, 2023,
demarcation of the plot in dispute has been made by the
Block Land & Land Reforms Officer, Mandirbazar, South
24 Parganas.

Upon consideration of the submission made by the
parties, this Court is inclined to hold that in the event
demarcation is made pursuant to the representation
submitted by the petitioner, demarcation report be
submitted before the Assistant Engineer, Kakdwip Sub-

Division, P.W. (Roads) Department, being the 7th respondent herein, within one month from date.

Upon receipt of such report, if encroachment on any portion of the PWD land is detected, the 7th respondent is 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 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 aforesaid 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.)