

April 8, 2024
(20) ARDR

WPA 20578 of 2023

Sk Jaynal
Vs.
The State of West Bengal & ors.

Adv. Sandip Kundu,
...for the petitioner.
Adv. Supriya Chattopadhyay,
Adv. Samaresh Ch. Dhara,
Adv. Sabyasachi Hazra,
...for the respondent no.8.
Adv. Chandi Charan De,
Adv. Anirban Sarkar,
...for the State.

Affidavit of service filed by the petitioner and the report submitted by the State respondents are taken on record.

Heard learned counsels for the parties.

The petitioner claims to be the recorded owner of the plot in question and submits that the private respondent has raised unauthorised construction by encroaching upon PWD land adjoining his property, thereby obstructing his egress and ingress. The petitioner submitted a representation before the concerned in this regard on 27th April, 2023 and prays for a direction upon the authority to consider the representation at the earliest.

Placing reliance on the report submitted by the Assistant Engineer, Tamluk Highway Sub-Division, Public Works (Roads) Directorate on 22nd January, 2024, learned counsel for the State respondents submits that it was found upon demarcation of the plot in question by the

Block Land & Land Reforms Officer, Tamluk-I, Purba Medinipur that one Asma Bibi (private respondent herein) has raised unauthorised construction of a tile shed room on Government land as a result of which the egress and ingress of the petitioner has become narrow. Proceeding under Section 10 of the West Bengal Highways Act, 1964 has been initiated which is pending before the Sub-Divisional Magistrate, Tamluk upon compliance with Section 10(1) and Section 10(2) of the Act.

Learned counsel for the private respondent submits that in a Title Suit filed by and between the parties before the Civil Court, a report was submitted by the Commissioner appointed by the Court and there is no whisper in the said report that the private respondent is occupying Government land.

Be that as it may, since it was found upon demarcation that the private respondent is occupying a portion of the PWD land by raising unauthorised construction therein and also, since the proceeding under Section 10 of the West Bengal Highways Act, 1964 is pending, the concerned authority, being the 3rd respondent herein, is directed to take the proceeding to its logical conclusion within two months from the date of communication of this order upon affording reasonable opportunity of hearing to all concerned including the petitioner and the private respondent, 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 have been 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.)