

12.09.2024
Item No.18
gd/ssd

WPA(P)/390/2024
SUBHAS CHANDRA JANA @ SUBHAS JANA
VS
STATE OF WEST BENGAL AND ORS.

Mr. Anindya Sundar Das,
Mr. Sudip Sarkar,
Mr. Subrata Mondal,
Ms. Suva Gayan,
Ms. Paramita Mondal
..for the Petitioner.

Mr. Jahar Lal De,
Ms. Debarati Sen (Bose)
..for the State.

1. The petitioner alleges that there has been encroachment on highways land.

2. In this regard, the petitioner filed an application under the Right to Information Act and the reply given by the Executive Engineer, Tamluk Highway Division dated 07.02.2024 states that as per the available office record no permission has been given for utilization/construction on the plot no.526 of Talgachhari Mouza, JL No.108, Ramnagar-I Block in the district of Purba Medinipur. Further, it is stated that there is no office record reveal that no departmental transfer has occurred of plot no.526.

3. With these facts representations have been given to the authority on 16.08.2024 to remove the encroachment.

4. The encroachers have not been impleaded as parties in the writ petition and when we enquired, the learned advocate for the petitioner submitted that the petitioner does not know the names of those persons.

5. In the absence of the alleged encroachers no positive direction can be granted by this court in this writ petition.

6. However, since the representation is pending before the authorities, we direct the 2nd respondent/ the Executive Engineer, Public Works (Roads) Directorate, Tamluk Highway Division to consider the representation dated 16.08.2024, issue notice to the alleged encroachers, if any and also the petitioner, enquire into the matter and proceed to pass orders on merits and in accordance with law as expeditiously as possible preferably within a period of twelve weeks from the date of receipt of the copy of the representation along with copy of this order is presented in the Office of the Executive Engineer.

7. With the above directions, the writ petition stands disposed of.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)