

600
24.01.2024
Ct. No.10
b.das

WPA 23361 of 2023

Bijon Kumar Bhattacharya
Vs.
The State of W.B. & Ors.

Mr. Amit Baran Dash
Ms. Ankana Sarkar ...for the petitioner.

Ms. Sima Adhikari
Ms. Kalpita Paul ...for the State.

Mr. Saibal Acharya
Mr. Pradip Paul ...for the respondent no.10.

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

None appears for the 9th respondent despite service.

Heard learned counsels for the parties.

The petitioner claims to be the recorded owner of the plot in question and complains that the private respondent has 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 22nd August, 2023 pursuant to which demarcation of the plot in dispute has been made by the concerned Block Land and Land Reforms Officer. The petitioner submits that no further step has been taken by the authority.

Learned counsel for the 10th respondent submits that this respondent has not encroached upon any portion of the PWD land or raised any construction thereon.

Placing reliance on the demarcation report and sketch map, learned counsel for the State respondents submits that a portion of the plot in dispute has been encroached upon by the 9th respondent who runs a shop therein.

Upon consideration of the submission made on behalf of the parties, this Court is inclined to hold that since encroachment upon PWD land by the 9th respondent has been found upon demarcation, the concerned authority, being the 3rd respondent herein, be 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 communication of this order 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.)