

14
jdt.

02.04.2024
jb.

W.P.A. 26767 of 2022
(Rudrakanti Samanta vs. State of West Bengal & Ors.)

Mr. Salil Kr. Maiti
Mr. Dyutiman Banerjee
Ms. Dolon Samanta
.... For the Petitioner

Mr. Ansar Mondal
Mr. Asish Dutta
.... For the State

Affidavit of service submitted by the petitioner and instruction submitted on behalf of the State respondents are taken on record.

None appears for the private respondents despite service.

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 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 10th October, 2022 which is yet to be considered. The petitioner prays for a direction upon the authority to consider the representation at the earliest.

Learned counsel for the State respondents submits that upon enquiry, it is found that both the petitioner and the private respondents have encroached upon the PWD land. Notice under Section 10(1) of the West Bengal Highways Act, 1964 has been issued upon both the parties.

In view of the above, this Court is inclined to hold that since the petitioner and the private respondents are found to have encroached upon the PWD land and proceeding under Section 10 of the Act of 1964 has been initiated, the third respondent be 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 interested persons including the petitioner and the private respondents, in accordance with law. The concerned authority shall be at liberty to remove all encroachment upon PWD land upon following due course of law.

The writ petition is thus disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)