

March 11, 2024
ARDR (697)

WPA 25935 of 2023

Rameshwar Singh
Vs.
The State of West Bengal & ors.

Adv. Samim Ahammed,
Adv. Arka Maiti,
Adv. Ambiya Khatun,
...for the petitioner.
Adv. Tapash Kumar Bhattacharya,
Adv. Aviroop Bhattacharya,
Adv. Sahima Mollah,
...for the private respondents
Adv. Vivek Jyoti Basu,
Adv. Saswati Chatterjee,
...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 complains that some local
people have raised unauthorised construction by
encroaching upon a portion of the PWD land adjoining
his plot, thereby obstructing his egress and ingress. The
petitioner submitted a representation in this regard
before the concerned authority on 3rd October, 2023
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 private respondents denies
and disputes the contention of the petitioner.

Learned counsel for the State respondents submits
that the Block Land & Land Reforms Officer, Barasat-I

be directed to demarcate the plot in question in order to ascertain whether the alleged encroachments are on PWD land and thereafter the Executive Engineer, Barrackpore Highway Sub-Division, PW (Roads), Department be directed to initiate necessary proceeding for removal of the same, in accordance with law.

A letter issued by the Executive Engineer to the Additional District Magistrate and District Land & Land Reforms Officer, North 24 Parganas on 8th December, 2023 is produced before this Court which demonstrates that the Executive Engineer has requested the Block Land & Land Reforms Officer to demarcate the plot in dispute.

In view of the above, this Court is inclined to hold that since the Block Land & Land Reforms Officer has been requested to demarcate the plot in dispute in order to ascertain encroachment, if any, thereon, the Block Land & Land Reforms Officer, being the 6th respondent herein, be directed to demarcate the same upon service of notice to all concerned including the petitioners and submit a report to that effect before the 3rd respondent within one month from date. In the event encroachment upon PWD land or any portion thereof is detected upon demarcation, the 3rd respondent 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 receipt of

the demarcation report upon affording reasonable opportunity of hearing to all concerned including the petitioners, 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.)