

12.03.2024
rc/ct.no.10
Item No.672

WPA No. 25941 of 2023
Md. Kamruj Jaman & Anr.
Versus
State of West Bengal & Ors.

Mr. Samim Ahammed
Mr. Arka Maiti
Ms. Ambiya Khatun ...for the petitioners

Mr. Tapash Kumar Bhattacharya
Mr. Aviroop Bhattacharya
...for the Private Respondent

Mr. Soumitra Bandyopadhyay
Ms. Suchana Banerjee ..for the State

Affidavit of service filed in Court today is taken on record.

On the prayer of the petitioners, liberty is granted to implead the Block Land and Land Reforms Officer, Barasat-I as respondent no. 12 in the writ petition. The cause title of the writ petition be amended accordingly.

The petitioners claim to be recorded owners of the plot in question and submits that the private respondents are raising unauthorised construction by encroaching upon a portion of the PWD land adjoining their property, thereby obstructing their ingress and egress. Pursuant to a representation submitted by the petitioners before the Executive Engineer, PWD, Barasat Division on May 04, 2023 the Executive Engineer, by a letter issued on December 08, 2023 to the Additional District Magistrate and District Land and Land Reforms Officer, North 24-

Parganas, Barasat requested the latter to instruct the Block Land and Land Reforms Officer, Barasat-I to make suitable arrangement for demarcation of the plot in dispute in order to ascertain whether the said plot belongs to the PWD.

Learned counsel for the petitioners submits that the concerned authority be directed to conclude the proceedings within a stipulated timeframe.

Upon consideration of the submission made on behalf of the parties, this Court is inclined to hold that since the Block Land and Land Reforms Officer has been requested for demarcation of the plot in dispute, the Block Land and Land Reforms Officer, Barasat-I being the 12th respondent herein, be directed to conduct such demarcation upon service of notice to the petitioners and the private respondents and submit a report to that effect before the 4th respondent within one month from date. In the event encroachment upon PWD land or any portion thereof is found upon demarcation, the 4th respondent be directed to initiate proceedings under Section 10 of the West Bengal Highways Act, 1964 and take the proceedings to its logical conclusion within 2 months from the date of receipt of the report upon affording reasonable opportunity of hearing to all the interested persons including the petitioners and the private respondents, in accordance with law.

With the above observations and directions this 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 furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh,J)