

March 14, 2024
ARDR (682)

WPA 26631 of 2023

Ashok Kumar Paul
Vs.
The State of West Bengal & ors.

Adv. Kingsuk Mondal,
Adv. Partha Sarathi Mondal,
Adv. Tapas Kumar Paul,
...petitioner.
Adv. Chandi Charan De,
Adv. Reshma Chatterjee,
...for the State.

Affidavit of service filed by the petitioner is 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 7th November, 2023 which is yet to be considered. During pendency of the writ petition, the petitioner received a notice issued by the Assistant Engineer, Krishnanagar Highway Sub-Division – II on 2nd January, 2024 requesting the petitioner to attend the demarcation of the plot in dispute to be held on 10th January, 2024.

Learned counsel for the petitioner submits that the demarcation has been made on the said date. No further

communication has been received by the petitioner till date.

It is submitted on behalf of the State respondents that the 7th respondent be directed to consider the representation in accordance with law.

In view of the above, this Court is inclined to hold that since demarcation of the plot in question has been made by the 8th respondent, the 8th respondent be directed to submit the demarcation report before the 7th respondent within two weeks from the date of communication of this order. In the event encroachment upon PWD land or any portion thereof is found upon demarcation, the 7th 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 the interested persons including the petitioner and the private respondents, in accordance with law.

With the aforesaid 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 have been 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.)