

16.04.2024

Ct. no.654

Sl. Nos.204

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**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
(Appellate Side)**

**WPA 27950 of 2022
(specially assigned)**

**Priyasakha Manna
Vs.
State of West Bengal & Ors.**

Mr. Swarup Banerjee
Mr. Sajal Kumar Ghosh
Mr. Subham Biswas
..for the petitioner

Mr. Chandi Charan De, Ld. AGP
Mr. Anirban Sarkar
..for the State

Mr. Bharat Ch. Simai
... for the respondent nos.8-17 and 19-22

Report in the form of affidavit filed on behalf of the respondent no.4 is taken on record. Copy served.

By the present writ petition the writ petitioner has prayed for removal of illegal and unauthorised construction over the land of PWD (Roads) in front of petitioner's land upon considering the representation of the petitioner dated 10th September, 2022.

The petitioner contends that he is the owner and occupier of property within Dag No.2/1526, Mouza Bardsankar, J. L. No.148, Khatian No.1780 (L.R. No.1982) measuring about more or less 18 decimal of land under Police Station Pataspur, District Purba Medinipur by virtue of a Deed of Gift executed in the year 2018 and his name has been duly recorded in the Record of Rights. The private respondent nos.8 to 23 have encroached upon the public road thereby causing

hindrance to the ingress and egress of front portion of petitioner's land-in-question. On 10th September, 2022, the petitioner made representation before the respondent authorities for removal and/or demolition of unauthorised construction undertaken over the land of the PWD (Roads). However, no steps has been taken in such regard. Hence, this writ petition.

Mr. Swarup Banerjee, learned Advocate for the petitioner submits that the private respondents have undertaken unauthorised construction over the land of the PWD (Roads) thereby obstructing ingress and egress to the petitioner's land. The petitioner made representation before the authority concerned for removal of such unauthorised construction. Though several requests were made by the Assistant Engineer, Contai Highway Sub-Division, Public Works (Roads) Directorate, Purba Medinipur being respondent no.4 to the Block Land & Land Reforms Officer, Patashpur-I, Purba Medinipur, the respondent no.6 for demarcation of road side Government Plot which belongs to P.W.D (Roads) in front of Dag No.2/1526, J.L. No.148 of Mouza Bardsankar, P.S. Patashpur, District Purba Medinipur, however, till date no such demarcation has been made by respondent no.6. He seeks for appropriate order.

Mr. Bharat Ch. Simai, learned Advocate for the private respondent nos.8 to 17 and 19 to 22 submits that dispute is civil in nature and there is a title suit pending by and between the parties before the learned Civil Judge

(Junior Division), 1st Additional Court, Contai, Purba Medinipur and therefore, the writ petition is liable to be dismissed.

Mr. Chandi Charan De, learned Additional Government Pleader appearing on behalf of the State-respondent submits that appropriate direction be issued upon the respondent no.6, the Block Land & Land Reforms Officer, Amarshi Block, Patashpur-I, Purba Medinipur to cause demarcation of the land of PWD (roads).

From the materials placed before this Court it is found that request has been made by respondent no.4, Assistant Engineer, Contai High Way Sub-Division, Public Works Department (Road) to respondent no.6, the Block Land & Land Reforms Officer, Amarshi Block, Patashpur-I, Purba Medinipur for demarcation of road side Government plot belonging to PWD (Roads) Department in front of Dag No.2/1526, J.L. No.148 of Mouza Bardsankar, Police Station Patashpur, District Purba Medinipur. There is nothing on record to suggest that such demarcation has been made. It is informed by Mr. De, learned Additional Government Pleader appearing on behalf of the State-respondent that demarcation is yet to be made.

In the aforesaid backdrop, the respondent no.6, the Block Land & Land Reforms Officer, Amarshi Block, Patashpur-I, Purba Medinipur is directed to demarcate the road side Government land belonging to the P.W.D

(Roads) in front of Dag No.2/1526, J.L. No.148 of Mouza Bardsankar, Police Station Patashpur, District Purba Medinipur, within a period of 15 days of conclusion of General Election, 2024 upon issuing notice to all concerned including the petitioner and the private respondents. Upon demarcation, if any encroachment is found over the land of PWD (roads), proper proceeding should be initiated in accordance with law by appropriate authority for removal of the same and such proceeding should be taken to its logical conclusion within two months from date of such demarcation.

With the aforesaid directions, the writ petition being **W.P.A. 27950 of 2022** stands disposed of.

All connected applications, if any, stand disposed of.

There will be, however, no order as to costs.

Interim order, if any, stands vacated.

All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

Urgent photostat copy of this order, if applied for, be given to the parties upon compliance of necessary legal formalities.

(Bivas Pattanayak, J.)