

14.03.2024
rc/ct.no.10
Item No.686

WPA No. 26994 of 2023
Subhashis Parua & Anr.
Versus
The State of West Bengal & Ors.

Mr. Samiran Mondal	
Mr. Abhinaba Dan	
Ms. Ankita Mukherjee	...for the petitioners
Mr. Chittapriya Ghosh	
Mr. Goutam Acharya	
Ms. Priyanka Saha	...for the respondent no.7
Mr. Supratim Dhar	...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 Assistant Engineer, Tamluk Highway Sub-Division, Public Works (Roads) Directorate as respondent no. 8 and Block Land and Land Reforms Officer, Bhagwanpur-I, District – Purba Medinipur as respondent no. 9 in the writ petition.

The cause title of the writ petition be amended accordingly.

Since the respondents are already represented, service of further notice upon them is dispensed with.

Action taken report submitted on behalf of the State respondents is taken on record.

The petitioners claim to be recorded owners of the plot in question and submit that the private respondent

has raised unauthorised construction by encroaching upon a portion of the PWD land adjoining their property, thereby obstructing their ingress and egress. The petitioners submitted a representation in this regard before the concerned authority on 18th August, 2023 which is yet to be considered. The petitioners pray for a direction upon the concerned authority to consider the representation at the earliest.

Learned counsel for the State respondents submits that pursuant to the representation submitted by the petitioners, steps have been taken for demarcation of the plot in dispute.

Learned counsel for the private respondent submits it appears from the representation made by the petitioners that the alleged encroachment is on the land which is recorded in the name of the petitioners and is not PWD land.

Be that as it may, since the Assistant Engineer, Tamluk Highway Sub-Division, Public Works (Roads) Directorate, being the 8th respondent herein has requested the Block Land and Land Reforms Officer, Bhagwanpur-I, District – Purba Medinipur being the 9th respondent herein to demarcate the plot in dispute, the 9th respondent be directed to complete the demarcation work upon service of notice to the petitioners and the private respondent and submit a report to that effect before the 8th respondent within one month from date. The petitioners and the

private respondent are directed to cooperate with the authority in such demarcation exercise.

Upon receipt of the demarcation report, in the event encroachment upon PWD land or any portion thereof is found, the 8th 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 two months from the date of receipt of the demarcation report upon affording reasonable opportunity of hearing to all the interested persons including the petitioners and the private respondent, 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)