

12.08.2025
Item No.34
gd/ssd

WPA(P)/119/2023
SK. ABDUL RAHIM
VS
STATE OF WEST BENGAL AND ORS.

Mr. Rejaul Alam
..for the Petitioner.

Mr. Jahar Lal Dey,
Mr. Supratim Dhar
..for the State.

1. The principal argument of learned counsel for the petitioner is that the road in question is being constructed under Pradhan Mantri Gram Sadak Yojana but there are encroachments on the said road.

2. More than one occasion a specific question was asked to learned counsel for the petitioner as to whether there exists any prima facie material to show that the land of the road is being encroached by anybody.

3. The learned counsel for the petitioner repeatedly gave only one answer that his representation is pending and the authority may be directed to file the report.

4. In our opinion, unless a prima facie material is shown suggesting encroachment, on mere asking, the respondents are not required to be directed to decide the representation or file the report. The burden is on the petitioner who alleges that encroachment has

taken place to show prima facie that there exists any such encroachment. This could have been done by filing revenue records or information obtained under the RTI Act etc. The petitioner has filed a photograph (page 21) which does not show prima facie that encroachment had taken place. In absence of prima facie material, we are unable to accept this petition.

5. Admission is declined.

6. PIL is dismissed.

(SUJOY PAUL, J)

(SMITA DAS DE, J.)