

S/L 4
04.04.2025
Court. No. 236
Suwayan

WPA 6553 of 2023

**Saraswati Dutta
Vs.
State of West Bengal & Ors.**

*Mr. Partha Pratim Roy
Mr. Sarbananda Sanyal
Mr. Samrat Chakraborty*

...for the petitioner.

*Mr. Chandi Charan De, AGP
Mr. Anirban Sarkar
Mr. Haripada Maity*

...for the State.

1. Learned Advocate for the writ petitioner submits before this Court that in course of this day he will file the affidavit-of-service.
2. On perusal of the entire materials as placed before this Court it reveals that the Block Land and Land Reforms Officer, Tehatta, Nadia is a necessary party.
3. In view of such, liberty is given to the learned Advocate-on-Record of the writ petitioner to add the Block Land and Land Reforms Officer, Tehatta, Nadia as respondent no. 8 by making necessary correction in the cause title of the instant writ petition positively in course of this day in Court.
4. At the time of hearing learned Advocate for the writ petitioner at the very outset draws attention of this Court to page no. 25 being a copy of the letter as written by the writ petitioner addressed to the respondent no. 4/authority which has been received by the said authority on 16.08.2021. Under cover of the said letter the writ petitioner alleged that the

private respondent no. 7 had made an illegal construction over the PWD road and as a result whereof she is not getting free access to her property. It further reveals that in an earlier round of litigation as filed by the writ petitioner a co-ordinate Bench of this Court while disposing WPA 15655 of 2021 by an order and judgment dated 25.01.2022 directed the respondent no. 4 of the said writ petition to consider and dispose of the representation as filed by the writ petitioner on 30.07.2021 within a stipulated period.

5. Drawing attention to Annexure P2 at page no. 24 of the instant writ petition it is submitted that pursuant to such direction the respondent no. 4/authority of the instant writ petition had written a letter dated 27.09.2021 to the added respondent no. 8 requesting him to make demarcation of Government land at Dakshin Jitpur, Betai of Krishnagar Karimpur Jalangi road under Nadia Division, PWD in the District of Nadia. It is the grievance of the writ petitioner that despite issuance of such letter the added respondent no. 8 practically did nothing and as a result whereof the earlier order dated 25.01.2022 cannot be implemented.
6. Mr. De, learned AGP appearing on behalf of the State submits before this Court that an appropriate direction may be passed upon the added respondent no. 8/authority to act in terms of the request as made by the respondent no. 4/authority under cover of his memo dated 27.09.2021 forthwith.

7. On careful consideration of the entire materials as placed before this Court, it appears to this Court that on receipt of the copy of the order and judgment dated 25.01.2022 as passed by a co-ordinate Bench in WPA 15655 of 2021 the respondent no. 4/authority under cover of his memo dated 27.09.2021 requested the added respondent no. 8 to make suitable arrangement and fix up a date for demarcation of the spot of the aforementioned Government land in presence of the Junior Engineer, Section – III, P.W.D. under Krishnagar Sub-Division and to send a report to the Office of the respondent no. 4 as early as possible. Admittedly, such request has not been complied with by the added respondent no. 8.
8. In view of such while disposing the instant writ petition this Court directs the added respondent no. 8 i.e., the Block Land and Land Reforms Officer, Tehatta, Nadia to forthwith comply with the request of the respondent no. 4 as sent to him under cover of his memo no. 766/1(5)/V-5 dated 27.09.2021 securing the presence of the aforementioned Junior Engineer, the writ petitioner herein as well as the private respondent no. 7 positively within 30 days from the communication of the server copy of this order and to submit a report soon thereafter with the respondent no. 4/authority i.e., the Assistant Engineer (PWD), Krishnagar Sub-Division, Ananta Hari Mitra Road, Krishnagar, Nadia, Pin – 741101.

9. In the event the respondent no. 4/authority finds from the said report that an encroachment has been made over the Government land at Dakshin Jitpur, Betai of Krishnagar Karimpur Jalangi road under Nadia Division, PWD in the District of Nadia either by the private respondent no. 7 or by any other person he shall initiate a proceeding under Section 10 of the West Bengal Highways Act, 1964 and shall conclude the said proceeding after hearing all interested parties positively within a period of 90 days from the date of receipt of the report from the added respondent no. 8.
10. Liberty is given to the learned Advocate for the writ petitioner to communicate the server copy of this order to the respondent no. 4 and added respondent no. 8.
11. Both the respondent no. 4 and the added respondent no. 8 are directed to act on the server copy of this order.
12. With the aforementioned observation, the instant writ petition being WPA 6553 of 2023 is disposed of.
13. Urgent Xerox certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Partha Sarathi Sen, J.)