

**IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION  
APPELLATE SIDE**

47 20.11.2024  
Sc Ct. no.2

**WPA 26990 OF 2024**

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Subrata Kumar Patra & Ors.

Vs.

The State of West Bengal & Ors.

Mr. Goutam Guria

.... For the Petitioners

Mr. Md. Galib

Ms. Priyamvada Singh.

.... For the Respondents  
State

Affidavit-of-service, filed in Court today, is taken on record.

Mr. Goutam Guria, learned advocate appears for the petitioners.

Ms. Priyamvada Singh, learned State advocate led by Md. Galib, learned State counsel appears for the respondents.

In course of the hearing learned State counsel has produced an order dated **November 19, 2024** passed under **Section 10(3)** of the **West Bengal Highways Act, 1964** by the respondent no.6. The same is taken on record. From the said order it appears that, the jurisdictional BL&LRO has been directed to demarcate a Government land and submit a detailed inquiry report. Next date of hearing is fixed on **December 19, 2024**

before the respondent no.6 when the parties are asked to appear and to be represented in the hearing.

In view of the above, a copy of the report of the BL&LRO shall be submitted to the petitioners positively on or before **December 12, 2024**.

The petitioners shall participate in the hearing before the respondent no.6 fixed on **December 19, 2024**. In the hearing the petitioners shall be at liberty to produce whatever records and documents they wish to produce and to urge whatever points they wish to urge before the respondent no.6. The respondent no.6 then shall come to a logical conclusion of the proceeding by passing a reasoned order positively within a period of **four weeks** from **December 19, 2024**. The reasoned order shall be communicated to the petitioners within a further period of **a week** from the date of the reasoned order to be passed by the respondent no.6.

If the encroachment is confirmed on the highway land by the said reasoned order, then the appropriate State authority shall take all necessary and consequential steps to give an immediate effect to the said reasoned order but positively within a period of **six weeks** from the date of the said reasoned order to be passed.

It is made clear that, this order shall not create any right or equity in favour of the petitioners if they do not succeed to their respective claims before the respondent no.6 strictly in accordance with law.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions this writ petition, **WPA 26990 of 2024** stands ***disposed of***, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

**(Aniruddha Roy, J.)**