

S/L 15
12.06.2025
Court. No. 19
Sourav

WPA 230 of 2025

Sk. Khadem Ali
Vs.
The State of West Bengal & Ors.

Mr. Lakshminath Bhattacharyya
Mr. Rajib Kumar Acharyya
Mr. Banshi Badan Maity
Mr. Goutam Malik

...for the petitioner.

Mr. Chandi Charan De, Ld. AGP
Ms. Reshma Chatterjee

...for the State.

1. The affidavit-of-service as filed on behalf of the writ petitioner is taken on record.
2. Though learned advocate for the respondent/State and its functionaries is present, none appears on behalf of the private respondents.
3. It is the grievance of the writ petitioner that the private respondents have raised unauthorized, illegal construction over P.W.D. road in front of the land of the writ petitioner, particulars of which has been mentioned in paragraph 4 in the instant writ petition causing thereby obstruction as to the free egress and ingress to the said property by the writ petitioner and his family members.
4. It is further submitted that the writ petitioner made a representation before the respondent nos. 5 and 6 on 20.12.2024, a copy of which is annexed at Page Nos. 21 and 22 of the instant writ petition but of no effect.
5. It is thus submitted that appropriate writ/writs may be issued against the respondents/authorities, more

specifically, against the respondent no. 6/authority to initiate a proceeding under Section 10 of the West Bengal Highways Act, 1964 forthwith.

6. On careful consideration of the entire materials as placed before this Court and after hearing the learned advocates for the contending parties, this Court while disposing the instant writ petition directs the respondent no. 7/authority to make a field enquiry after serving prior notice upon the writ petitioner and the private respondents and to submit a field verification report along with demarcation report with the respondent no. 6/authority positively within 30 working days from the date of communication of the server copy of this order.
7. It is further directed that the respondent no. 6/authority on receipt of such field verification and/or demarcation report from the respondent no. 7/authority shall serve notice upon the writ petitioner and the private respondents and after giving an opportunity of hearing to the writ petitioner and the private respondents and/or their authorized representative(s) shall consider the representation dated 20.12.2024 as submitted by the writ petitioner in accordance with law and shall pass a reasoned order and shall forthwith communicate his reasoned order to the writ petitioner and the private respondents preferably by mail, if the mail details of the writ petitioner and the private respondents are provided to him at the time of hearing.

8. The entire exercise as indicated in the foregoing paragraphs is to be completed within 45 working days from the date of receipt of the report by the respondent no. 6/authority from the respondent no. 7/authority.
9. The time limits as fixed by this Court are mandatory and preemptory.
10. Liberty is given to the learned advocate on record for the writ petitioner to communicate the server copy of this order along with a copy of the instant writ petition to the respondent nos. 6 and 7/authorities for their due compliance.
11. The respondent nos. 6 and 7/authorities are hereby directed to act on the server copy of this order.
12. Before parting with, it is further directed that in the event while passing the said reasoned order the respondent no. 6/authority finds sufficient merit in the representation of the writ petitioner, he shall forthwith initiate a proceeding under Section 10 of the West Bengal Highways Act, 1964.
13. With the aforementioned observation, the instant writ petition being **WPA 230 of 2025** is disposed of.
14. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Partha Sarathi Sen, J.)