

May 19, 2025
Sl. No.19
Court No.19
s.biswas

WPA 625 of 2025

A. K. Fazle Haque
vs.

The State of West Bengal and others

Mr. Prosenjit Mukherjee
Ms. Manisa Mandal
Ms. Babita Pramanik

... for the petitioner

Mr. Supratim Dhar, Sr. Adv.
Ms. Tuli Sinha

... for the State respondent

Mr. Amal Kr. Banerjee

... for the private respondent

1. The affidavit of service and the supplementary affidavit as filed today on behalf of the writ petitioner are taken on record.
2. Mr. Dhar, learned Senior Advocate duly assisted by Ms. Sinha, learned advocate for the State has handed over a report of the Assistant Engineer dated 31.01.2025. Let the report dated 31.01.2025 be taken on record.
3. By filing the instant writ petition, the writ petitioner prays for issuance of appropriate writ/writs against the respondent no.3 for initiating a proceeding under Section 10 of the West Bengal Highways Act, 1964 (hereinafter referred to as 'the said Act') for removal of encroachment of PWD road in favour of the writ petitioner's property, particulars of which is mentioned in the prayer of the instant writ petition. According to the writ petitioner, the illegal constructions of the private respondents

are creating obstruction as to free egress and ingress to the writ petitioner's property.

4. At the time of hearing, learned advocate for the writ petitioner submits that pursuant to the representation dated 14.12.2024 as made by the writ petitioner with the respondent authority, the respondent no.5 authority issued a notice dated 06.01.2025 both to the writ petitioner and to the private respondents as per provision of Section 10 of the said Act. However, thereafter he did nothing.
5. Such contention is however opposed on behalf of the private respondents.
6. At this juncture, Mr. Dhar draws attention of this court to the report dated 31.01.2025 as submitted by the respondent no.3. It is submitted by Mr. Dhar that from the said report dated 31.01.2025 it would reveal that both the writ petitioner and the private respondent nos.12 and 13 are found to be encroachers of the PWD road.
7. Such being the position, this court while disposing of the instant writ petitioner, directs the respondent no.5 to serve copies of the demarcation report as prepared by the jurisdictional BL&LRO upon the petitioner and the private respondents and thereafter giving chance of hearing to the writ petitioner and the

private respondents and/or their authorized representative shall pass a reasoned order under Section 10(3) of the said Act.

8. It is further ordered that in the event the respondent no.5 finds sufficient merits in the demarcation report of the jurisdictional BL&LRO as well as in the report of the Assistant Engineer as submitted before this court dated 31.01.2025, he is directed to proceed for removal of the encroachment of the PWD land soon thereafter.
9. Entire exercise as indicated in the foregoing paragraph is to be completed within 90 working days from the date of communication of the server copy of this order.
10. Ms. Sinha, learned advocate for the State is requested to forward the server copy of this order along with the report dated 31.01.2025 as submitted by the respondent no.3, to the respondent no.5 for his immediate compliance.
11. The respondent no.5 is directed to act on the server copy of this order.
12. With aforementioned observation, the instant writ is disposed of.
13. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of necessary formalities.

(Partha Sarathi Sen, J.)

