

S/L 9
22.05.2025
Court. No. 19
Suwayan

WPA 1539 of 2024
Radhakanta Guria
Vs.
The State of West Bengal & Ors.

Mr. Salil Kumar Maiti
Ms. Pinki Saha
Ms. Dolan Samanta

...for the petitioner.

Mr. Debjit Mukherjee
Ms. Rupsha Chakraborty

...for the State.

1. The affidavit-of-service as filed today is taken on record.
2. Despite service of notice none appears on behalf of the private respondent no. 8.
3. It is the grievance of the writ petitioner that on account of an illegal construction as raised by the private respondent no. 8 over the PWD land in front of the writ petitioner's property, particulars of which has been mentioned in paragraph no. 2 of the instant writ petition the writ petitioner is facing difficulty in getting free access to such property.
4. In course of his submission Mr. Maiti, learned Advocate for the writ petitioner draws attention of this Court to page nos. 35 to 37 of the instant writ petition being a copy of the representation of the writ petitioner as submitted with the respondents/authorities. It is submitted by Mr. Maiti that despite submission of such representation by the writ petitioner, the respondents/authorities did nothing. It is thus submitted that appropriate relief/reliefs may be

granted to the writ petitioner in terms of the prayers made in the instant writ petition.

5. In course of her submission, Ms. Chakraborty, learned Advocate duly led by Mr. Debjit Mukherjee, learned Advocate appearing on behalf of the respondents/State has handed over a copy of the memo dated 09.02.2024. It is submitted by Ms. Chakraborty that from the said memo it would reveal that under cover of another memo dated 08.02.2024 the respondent no. 3/authority requested the jurisdictional BL&LRO i.e., the respondent no. 5 herein to submit a demarcation report for effective adjudication of the dispute.
6. In view of such, this Court while disposing the instant writ petition directs the respondent no. 5 to carry out the work of field verification/demarcation as sought for by the respondent no. 3/authority under cover of his memo dated 08.02.2024 and to submit such report positively within 30 working days from the date of communication of the server copy of this order.
7. The respondent no. 3 on receipt of such report from the respondent no. 5/authority shall consider the representation of the writ petitioner dated 04.12.2023 in accordance with law as well as in the light of the said demarcation report and after giving an opportunity of hearing both the writ petitioner and to the private respondent no. 8 and/or their authorized representatives shall pass a reasoned order and shall forthwith communicate the same both to the writ petitioner and the private respondent no. 8 preferably

by mail, if the mail details of the writ petitioner and the private respondent no. 8 are furnished to him at the time of hearing.

8. The entire exercise as indicated hereinabove is to be completed by the respondent no. 3/authority within 60 working days from the date of receipt of the report from the respondent no. 5.
9. The time limit as fixed by this Court is mandatory and peremptory.
10. It is further ordered that in the event the respondent no. 3 while passing the reasoned order finds sufficient merit in the representation of the writ petitioner he is directed to take appropriate steps under Section 10 of the West Bengal Highways Act, 1964 soon thereafter.
11. Liberty is given to the learned advocate-on-record for the writ petitioner to communicate the server copies of this order to the respondent nos. 3 and 5 forthwith.
12. The respondent nos. 3 and 5 are directed to act on the basis of the server copies of this order.
13. Before parting with it is, however, made clear that since affidavits have not been called for the allegations made in the instant writ petition are deemed to have been denied.
14. With the aforementioned observation, the instant writ petition being WPA 1539 of 2024 is disposed of.
15. 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.)