

11
30.01.2025
Court No.14
BP/AGM

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 2156 of 2025

Suhail Ahmed
Vs.
The State of West Bengal & Ors.

Mr. Anshunath Chakraborty.
Mr. Gourab Mukhopadhyay.
... For the petitioner.

Mr. Soumitra Bandopadhyay. Sr. Adv.
Mr. Srinath Singha Roy.
... For the State.

1. Affidavit-of-service filed by the petitioner be kept with the records.
2. The petitioner claims to be the owner of a shop room located by the side of a road. The petitioner is apprehending that his shop room may be demolished by the PWD department for the purpose of extension of the width of the road.
3. The petitioner submits that demarcation of the land, where the extension may take place, was done and the petitioner's shop room has been found to be within the portion which may be required for extension of the road.
4. For ascertaining as to whether the petitioner's land falls within the area which will be required for extension of the road application was made under the Right to Information Act. The same has not been responded.

5. The petitioner filed representation before the Public Works Department requesting them to refrain from demolishing his shop room. The same has also not been considered.
6. The instant writ petition has been filed praying for a direction upon the respondent authority to dispose of the representation filed by the petitioner.
7. Learned advocate representing the State respondents has obtained instruction from the Assistant Engineer, PWD, Howrah Sub-Division signed on 29.01.2025 wherefrom it appears that the engineer had forwarded a request to the Block Land & Land Reforms Officer for demarcation of the land of the petitioner. There is no instruction from the PWD whether the said department is taking step for extension of the road.
8. The petitioner has also forwarded a representation to the gram panchayat but there is no response.
9. As there is no certainty as to whether extension of the road will be done or not, and if done, the authority which may take steps for extending the road, accordingly, the instant writ petition is disposed of by directing the Executive Engineer, Howrah Division PWD and the Pradhan of the Makardah I gram panchayat to consider the representation filed by the petitioner and intimate the petitioner as to whether his land will be required for the purpose of extension of the road.

10. It will be open for the authorities to conduct spot inspection for demarcating the place which may be required for extension.
11. The petitioner shall be communicated with a reasoned order that will be passed upon consideration of his representation.
12. Learned advocate representing the petitioner is directed to forward a copy of the representation to the aforesaid respondents including details of the land that he is occupying for consideration and compliance of the direction passed hereinabove.
13. Till a decision is taken on the representation filed by the petitioner, the respondents shall not take any step for demolishing the shop room of the petitioner.
14. Instructed forwarded by the Assistant Engineer, PWD dated 29.01.2025 be retained with the records.
15. Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)