

D/L 20
05.08.2025
Court. No. 19
pp

WPA 2231 of 2024

**Biswanath Bera
Vs.
The State of West Bengal & Ors.**

*Mr. Raja Biswas,
Mr. Abhijit Sarkar*

...for the petitioner.

Mr. Rajdeep Bhattacharya

...for the private respondents.

1. The affidavit-of-service as filed today on behalf of the writ petitioner is taken on record.
2. None appears on behalf of the respondents/State despite service of notice.
3. It is submitted on behalf of the writ petitioner that it is the specific case of the writ petitioner that the writ petitioner is the owner of the plots of land, particulars of which have been mentioned in paragraph 2 of the instant writ petition. It is the further case of the writ petitioner that the private respondent nos.6, 7 and 8 have encroached a portion of the PWD land in front of the writ petitioner's said property, thereby caused hindrance to the free egress and ingress to the said property of the writ petitioner.
4. Drawing attention to page no.11 of the instant writ petition, it is submitted on behalf of the writ petitioner that by issuing a letter dated 29.11.2023 the writ petitioner brought the matter to the notice of the respondent no.3/authority, but of no effect.
5. Such contention is, however, disputed by the learned Advocate for the private respondents.

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 jurisdictional B.L. & L.R.O. to make a field verification after causing prior service of notice to the writ petitioner and the private respondents and on completion of such filed verification, he shall submit a demarcation report and/or field verification report with the respondent no.3/authority positively within 30 working days from the date of communication of a server copy of this order.
7. The respondent no. 3/authority on receipt of such field verification report and/or demarcation report from the jurisdictional B.L. & L.R.O. shall cause service of notice upon the writ petitioner and the private respondents and shall serve the copies of such filed verification report and/or demarcation report to the writ petitioner and the private respondents.
8. The respondent no.3/authority shall thereafter consider the representation of the writ petitioner as submitted on 29.11.2023 in accordance with law and after giving due opportunity of hearing both to the writ petitioner and the private respondents and/or their authorized representatives shall pass a reasoned order in the light of the said demarcation report and/or field verification report and shall communicate the said reasoned order both to the writ petitioner and the private respondents preferably by e-mail, if the e-mail

details of the writ petitioner and the private respondents are furnished to him at the time of hearing.

9. The entire exercise as indicated in the foregoing paragraph is to be completed by the respondent no. 3/authority within 90 working days from the date of receipt of the demarcation report and/or field verification report from the jurisdictional B.L. & L.R.O.
10. The time limits as fixed by this Court are mandatory and peremptory.
11. Liberty is given to the learned Advocate-on-Record for the writ petitioner to communicate the server copy of this order both to the respondent nos. 3 as well as the respondent no.5/authority.
12. The respondent no.5/authority in turn shall communicate the server copy of this order to the jurisdictional B. L. & L.R.O. for his immediate compliance.
13. Before parting with, it is, however, made clear that in the event while passing the reasoned order, the respondent no.3/authority finds sufficient merits in the representation of the writ petitioner, he shall forthwith initiate an action under Section 10 of the West Bengal High Ways Act, 1964 for removal of encroachers, if there be any, and shall come to a logical conclusion within 90 working days from the day of passing of the said reasoned order.

14. Since no affidavits have been called for, the allegations as made in the instant writ petition are deemed to have been denied.
15. With the aforementioned observation, the instant writ petition being WPA 2231 of 2024 is disposed of.
16. 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.)