

May 20, 2025
Sl. No.24
Court No.19
s.biswas

WPA 3245 of 2025

Uttam Bera
vs.
The State of West Bengal and others

Mr. Salil Kumar Maiti
Ms. Dolan Samanta

... for the petitioner

Mr. Sk. Md. Galib, Sr. Govt. Adv.
Mr. Manish Biswas

... for the State

Mr. Jayanta Kumar Das
Ms. Madhumanti Das

... for the respondent nos.8 to 10

1. The affidavit of service as filed today on behalf of the petitioner is taken on record.
2. Mr. Biswas, learned advocate for the State, duly assisted by Mr. Galib, learned Senior Government Advocate, in course of hearing has handed over a communication dated 13.03.2025 as received by him from the respondent no.3 authority. Let the communication letter dated 13.03.2025 be taken on record.
3. Mr. Maiti, learned advocate appearing for the petitioner, at the very outset draws attention of this court to page nos.39 to 41 of the instant writ petition being a copy of the letter dated 02.12.2024 addressed to the respondent authorities complaining unauthorized encroachment at the instance of the private respondent nos.8 to 10 causing blockage to the free egress and ingress to the writ petitioner's property.

4. It is submitted that despite submission of such representation, no action has been taken by the authorities.
5. Such contention is however opposed on behalf of the respondents.
6. It is submitted that the construction as made by the private respondent nos.8 to 10 is very old one and that such construction has been made over a *patta* land as has been granted in favour of the private respondents.
7. At this juncture, Mr. Biswas draws attention of this court to the last page of the communication as submitted before this court wherefrom it reveals that the respondent no.3 made a communication dated 13.03.2025 with the respondent no.5 requesting him to make demarcation.
8. In view of such, while disposing of the instant writ petition, this court directs the respondent no.5 authority to make demarcation as requested by the respondent no.3 under cover of his letter dated 13.03.2025 with prior notice to the writ petitioner and the private respondents and to submit such report with the respondent no.3 authority positively within 30 days from the date of communication of the server copy of this order.
9. After obtaining such report from the respondent no.5 authority, the respondent no.3 shall

consider the representation of the writ petitioner in accordance with law and after giving due opportunity of hearing to both the writ petitioner and to the private respondent nos.8 to 10 and/or their authorized representative shall pass a reasoned order and to communicate the same to the writ petitioner and the private respondent nos.8 to 10 preferably by email, if email details of the writ petitioner and the private respondents are provided to him at the time of hearing.

10. The entire exercise as indicated hereinabove, is to be completed by the respondent no.3 authority positively within 60 working days from the date of receipt of the report from the respondent no.5 authority.
11. It is further directed that in the event while passing the reasoned order, the respondent no.3 finds sufficient merit in the representation of the writ petitioner, the respondent no.3 is directed to initiate appropriate proceeding under Section 10 of the West Bengal Highways Act, 1964 forthwith.
12. With the aforementioned observation, the instant writ petition is disposed of.
13. All parties are to act on the server copy of this order.

(Partha Sarathi Sen, J.)