

S/L 80
26.06.2025
Court. No. 19
Suwayan

WPA 4310 of 2024
Sri Gobardhan Patra
Vs.
The State of West Bengal & Ors.

Mr. Snehasis Jana
Ms. Anulekah Bera

...for the petitioner.

Mr. Chandi Charan De, AGP
Mr. Anirban Sarkar

...for the State.

Mr. Nilkamal Ghosh

...for the respondent nos. 11 to 13.

1. The affidavit-of-service as filed today on behalf of the writ petitioner is taken on record.
2. The writ petitioner, the respondents/State and its functionaries i.e. the respondent nos. 1 and 10 and the private respondent nos. 11 to 13 are represented by their respective Counsels.
3. At the time of hearing learned Advocate for the writ petitioner submits before this Court that it is the specific case of the writ petitioner that he is the owner of the portions of plot nos. 99 and 101 in Mouza – Tentulia under P.S. Egra.
4. It is further submitted on behalf of the writ petitioner that on account of an illegal construction at the instance of the private respondents encroaching PWD road that is Egra to Jahalda in front of the writ petitioner's aforementioned lands the writ petitioner is facing difficulty in getting easy egress and ingress to his aforementioned two plots of land. It is submitted that

by way of representation dated 18.02.2024 such illegal activity of the private respondents have been brought to the notice of the respondent no. 6, however, the said respondent no. 6 had done nothing as yet.

5. It is thus submitted that appropriate relief/reliefs may be granted to the writ petitioner in terms of the prayer made in the instant writ petition.
6. Such contention is opposed by the learned Advocate for the private respondent nos. 11 to 13.
7. Mr. De, learned AGP appearing on behalf of the respondents/State and its functionaries, however, in his usual fairness submits before this Court that the respondent no. 6/authority may be directed to consider the representation of the writ petitioner in accordance with law.
8. 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 respondent no. 9/authority to make a field verification after securing prior service of notice upon the writ petitioner and the private respondents and to submit a field verification report and/or demarcation report with the respondent no. 6/authority positively within 30 working days from the date of communication of the server copy of this order.
9. The respondent no. 6/authority on receipt of such report from the respondent no. 9/authority shall cause service of notice upon the writ petitioner and the

private respondents and also provide them copies of the demarcation report and/or field verification report. The respondent no. 6 is further directed to give a chance of hearing both to the writ petitioner and to the private respondents and/or their authorized representatives and shall pass a reasoned order on the representation of the writ petitioner dated 18.01.2024 in the light of the said demarcation report and shall communicate its reasoned order both to the writ petitioner and the private respondents forthwith preferably by mail, if the mail 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. 6/authority within 60 working days from the date of receipt of the report from the respondent no. 9/authority.
11. The time limits as fixed by this Court are mandatory and peremptory.
12. Liberty is given to the learned Advocate-on-Record for the writ petitioner to communicate the server copy of this order to the respondent nos. 6 and 9 for their immediate compliance.
13. The respondent nos. 6 and 9 are directed to act on the server copy of this order.
14. Before parting with, it is further made clear that in the event while passing the reasoned order the respondent no. 6 finds sufficient merit in the representation dated 18.01.2024 as submitted by the writ petitioner, he shall

forthwith initiate a proceeding under Section 10 of the West Bengal Highways Act, 1964 for removal of the encroachment, if there be any.

15. With the aforementioned observations, the instant writ petition being WPA 4310 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.)