

S/L 93
30.06.2025
Court. No. 19
Sourav

WPA 4686 of 2024

Chandra Sekhar Baidya
Vs.
The State of West Bengal & Ors.

Mr. Sounak Bhattacharya
Mr. Sounak Mandal

...for the petitioner.

Ms. Piyali Sengupta
Mr. Rahit Das

...for the State.

1. The affidavit-of-service as filed today on behalf of the writ petitioner is taken on record.
2. The writ petitioner and the respondent/State and its functionaries i.e., the respondent nos. 1 to 7 are represented by their respective learned advocates.
3. None appears on behalf of the private respondents, despite service.
4. At the time of hearing, learned advocate appearing on behalf of the respondent/State and its functionaries has filed a photocopy of the memo dated 25.06.2025 as has been issued by the respondent no. 6/authority wherefrom it reveals that pursuant to the representation made by the writ petitioner, the respondent no. 6/authority has fixed 10.07.2025 for demarcation.
5. Let the copy of the memo dated 25.06.2025 be taken on record.
6. On careful perusal of the entire materials as placed before this Court and after hearing the learned advocates for the writ petitioner and the respondent/State and its functionaries, it appears to this

Court that it is the case of the writ petitioner that the writ petitioner is the owner of the land, particulars of which has been mentioned in paragraph no. 3 of the instant writ petition.

7. It further reveals that it is the grievance of the writ petitioner that on 30.12.2023, the respondents came in front of the house of the writ petitioner and forcefully started construction of an one storied building encroaching P.W.D. land as a result whereof the writ petitioner's easy egress and ingress to his aforementioned plot has been completely blocked.
8. It is the further case of the writ petitioner that soon thereafter, the writ petitioner under cover of his letter dated 25.01.2024 addressed to the respondents/authorities requested them for taking appropriate steps for removal of the encroachment of P.W.D. road but in vain.
9. It is thus submitted by the writ petitioner that the appropriate relief/reliefs may be granted to the writ petitioner in terms of the prayer made in the instant writ petition.
10. From the copy of the memo dated 25.01.2025, it reveals that the respondent no. 6/authority has already fixed a date for demarcation on 10.07.2025 at 12.00 noon and a copy of such notice have been sent to the writ petitioner.
11. In view of such, this Court while disposing the instant writ petition directs the respondent no. 6/authority to serve similar such notices upon the private respondent nos. 8 to 10. The respondent no. 6 is further directed to

complete the demarcation work and to submit his demarcation report with the respondent no. 5/authority positively within 30 working days from the date of communication of the server copy of this order.

12. The respondent no. 5/authority on receipt of such demarcation report from the respondent no. 6/authority shall cause service of notice upon the writ petitioner and the private respondents and shall provide them copies of the demarcation report as would be prepared by the respondent no. 6/authority.
13. The respondent no. 5/authority is further directed to consider the representation dated 25.01.2024 as submitted by the writ petitioner in the light of the demarcation report as would be submitted by the respondent no. 6 and after giving an opportunity of hearing both to the writ petitioner and the private respondents and/or their authorized representatives shall pass a reasoned order soon thereafter and shall communicate the same forthwith both to the writ petitioner and the private respondents preferably by mail, if the mail details of the writ petitioner and the private respondents are furnished to him at the time of hearing.
14. The entire exercise as indicated in the foregoing paragraph is to be completed by the respondent no. 5/authority within 45 working days from the date of receipt of the report from the respondent no. 6/authority.

15. The time limits as fixed by this Court are mandatory and peremptory.
16. Liberty is given to the learned advocate on record of the writ petitioner to communicate the server copy of this order to the respondent nos. 5 and 6.
17. The respondent nos. 5 and 6 are directed to act on the server copy of this order.
18. Before parting with, it is made clear that in the event, while passing the reasoned order, the respondent no. 5 finds sufficient merit in the representation of the writ petitioner, he shall forthwith initiate a proceeding under Section 10 of the West Bengal Highways Act, 1964.
19. With the aforementioned observation, the instant writ petition being **WPA 4686 of 2024** is disposed of.
20. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Partha Sarathi Sen, J.)