

April 7, 2025
Sl. No.18
Court No.236
s.biswas

WPA 4796 of 2025

Jahir Hossain Mir
vs.
The State of West Bengal and others

Mr. Manoranjan Jana
Ms. Mitali Jana

... for the petitioner

Mr. Rajarshi Basu
Mr. Anirban Datta

... for the State

Mr. Partha Sarathi Mondal
Ms. Tithi Sarkar

... for the respondent nos.9 & 10

1. The affidavit of service as filed on behalf of the petitioner is taken on record.
2. The writ petitioner, the respondent State and the private respondents are represented by their respective counsels.
3. By filing the instant writ petition the writ petitioner has prayed for issuance of appropriate writ/writs against the respondent authorities to initiate demolition proceeding over the encroached property as constructed by the private respondents over the PWD land thereby obstructing the writ petitioner's easy egress and ingress to his property.
4. In course of his submission learned advocate appearing for the petitioner at the very outset draws attention of this court to page nos.34 and 36 of the instant writ petitioner. It is submitted on behalf of the writ petitioner that on two occasions the grievance of the writ petitioner was

brought to the notice of the respondent no.2 authority, but the respondent no.2 authority did nothing to remove such encroachment.

5. Such contention was opposed by the private respondent nos.9 and 10.
6. On careful consideration of the entire materials as placed before this court and while disposing of the instant writ petition, this court directs the respondent no.2 i.e. the Assistant Engineer, Kakdwip Highway Sub-Division, PWD (Roads) to consider the representation of the writ petitioner as received by the office of the respondent no.2 on 18.04.2024 as well as the subsequent representation as sent on 21.01.2025 after giving an opportunity of hearing to all concerned and also obtaining a report from the concerned BL&LRO and thereafter shall pass a reasoned order in writing and shall communicate the same forthwith to the writ petitioner and the private respondents by speed post or by email, if the email details of the writ petitioner and the private respondents are provided to him at the time of hearing.
7. It is pertinent to mention that in the event, the respondent no.2 finds any encroachment on the part of the respondent nos.9 and 10 and/or by any other persons, he is directed to initiate appropriate proceedings for removal of such

encroachment, in accordance with law, soon thereafter.

8. It is made clear that the entire exercise as indicated in the foregoing paragraphs shall have to be completed within 90 working days from the date of communication of the server copy of this order.
9. The respondent no.2 is directed to act on the basis of server copy of this order.
10. Liberty is given to the writ petitioner to communicate the server copy of this order to the respondent no.2.
11. With the above observation, the instant writ petition is disposed of.
12. The parties shall act on the basis of the server copy of the order.

(Partha Sarathi Sen, J.)