

April 10, 2025
Sl. No.19
Court No.19
s.biswas

WPA 5386 of 2025

Jogendra Nath Sannayasi and others
vs.
The State of West Bengal and others

Mr. Sarwar Jahan
Mr. Md. Ashraful Huq
Ms. Tapati Sarkar

... for the petitioners

Mr. Chandi Charan De, AGP
Mr. Anirban Sarkar

... for the State

Mr. Prabin Majumdar
Mr. Snehansu Majumdar

... for the respondent nos.12 to 15

1. The affidavit of service as filed on behalf of the petitioners is taken on record.
2. The writ petitioners, the private respondent nos.12 to 15 and the respondent State and its functionaries are represented by their respective learned advocates.
3. In course of hearing Ms. Sarkar, learned counsel for the writ petitioners at the very outset draws attention of this court to page nos.23 to 25 of the instant writ petition being a copy of the letter dated 25.01.2025 as written by the writ petitioners addressed to the respondent authorities indicating encroachment of Government land over PWD roads by the private respondents causing disturbance to free egress and ingress to the writ petitioners' property. It is submitted that despite receipt of such letter dated 25.01.2025 the respondent authorities more specifically the respondent no.9

i.e. the Assistant Engineer, PWD, Krishnanagar, Nadia 741101, has taken no steps and practically sat tight over the matter.

4. Such contention is disputed by Mr. Majumder, learned counsel for the private respondents by saying that the writ petitioners have also encroached the Government land on PWD road.
5. Mr. Sarkar, learned counsel appearing for the respondent State submits before this court that the respondent no.9 may be directed to take proper steps pursuant to the application dated 25.01.2025 as made by the writ petitioner.
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 directs the respondent no.9 i.e. the Assistant Engineer, PWD, Krishnanagar, Nadia to take appropriate steps pursuant to the letter dated 25.01.2025 in accordance with law. He is further directed to cause an enquiry either by himself or by the jurisdictional BL&LRO with regard to the correctness of the allegation as made under cover of letter dated 25.01.2025. The respondent no.9 is further directed to take appropriate steps and/or cause enquiry either by himself or by the jurisdictional BL&LRO as to whether the writ petitioners also encroached any portion of the PWD road or not.

7. It is further ordered that after obtaining the enquiry report from the jurisdictional BL&LRO, the respondent no.9 is hereby directed to consider the grievance of the writ petitioner as communicated to him under cover of letter dated 25.01.2025 as well as the allegation as made by the learned counsel for the private respondents before this court and after giving opportunity of hearing to both the writ petitioners as well as the private respondents and/or their legal representative shall pass a reasoned order and shall forthwith communicate such order both to the writ petitioners as well as to the private respondents preferably by email, if email details of the writ petitioners and the private respondents are provided at the time of hearing.
8. It is further directed that the entire exercise as indicated in the foregoing paragraph has to be completed within a period of 90 working days from the date of communication of the server copy of this order.
9. Liberty is given to the learned counsel for the writ petitioners to communicate the server copy of this order to the respondent no.9.
10. The respondent no.9 is directed to act on the server copy of this order.
11. With the aforementioned observation, the instant writ petition is disposed of.

12. All the parties shall act on the basis of the server copy of the order.

(Partha Sarathi Sen, J.)