

S/L 82
23.06.2025
Court. No. 19
Sourav

WPA 6664 of 2024

**Mrinal Mondal & Anr.
Vs.
The State of West Bengal & Ors.**

*Mr. Samrat Choudhury
Mr. Anit Dey*

...for the petitioners.

*Mr. Sk. Md. Galib, Sr. Govt. Adv.
Ms. Sujata Mukherjee*

...for the State.

1. The affidavit-of-service as filed today on behalf of the writ petitioner is taken on record.
2. At the very outset learned advocate appearing on behalf of the writ petitioners draws attention of this Court to paragraph no. 3 of the instant writ petition.
3. It is submitted that it is the case of the writ petitioners that the writ petitioners are the owners of the land, particulars of which has been mentioned in paragraph no. 3 of the instant writ petition.
4. It is further submitted that the private respondents have raised an illegal construction over the P.W.D. land causing thereby serious obstruction to the writ petitioners as to their free egress and ingress to the said land.
5. At this juncture, learned advocate for the writ petitioners requests me to peruse the page nos. 48 and 49 of the instant writ petition, being a copy of the representation dated 28.12.2023 as submitted by one of the writ petitioners with the respondent no. 6/authority ventilating the grievance of the writ petitioners with regard to the said

unauthorized construction at the instance of the private respondents.

6. It is further submitted that despite receipt of such representation, the respondents/authorities, more specifically, the respondent no. 6/authority had done nothing and is practically sitting tight over the matter.
7. Mr. Galib, learned Senior Govt. Advocate appearing on behalf of the respondent/State in his usual fairness submits before this Court that the respondent no. 6/authority may be directed to consider the representation of the writ petitioners by passing a reasoned order.
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. 7/authority to make a field enquiry after securing prior service of notice upon the writ petitioners and private respondents and to submit a demarcation report and/or field verification 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 demarcation report and/or field verification report from the respondent no. 7/authority shall consider the representation dated 28.12.2023 in the light of the said demarcation report and/or field verification report and after giving an opportunity of hearing both to the writ petitioner as well as to the private respondents and/or their authorized representatives upon furnishing advance

copies of the said demarcation report shall pass a reasoned order and shall forthwith communicate the same both to the writ petitioners and the private respondents preferably by mail, if the mail details of the writ petitioners and the private respondents are furnished to him at the time of hearing.

10. The entire exercise as indicated in the foregoing paragraph is to be completed by the respondent no. 6/authority within 60 working days from the date of receipt of the demarcation report from the respondent no. 7/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 petitioners to communicate the server copy of this order to the respondent nos. 6 and 7/authorities for their immediate compliance.
13. The respondent nos. 6 and 7/authorities are hereby directed to act on the server copy of this order.
14. Before parting with, it is, however, made clear that since the affidavits have not been called for, the allegations made in the instant writ petition are deemed to have been denied.
15. With the aforementioned observation, the instant writ petition being **WPA 6664 of 2024** is disposed of.
16. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Partha Sarathi Sen, J.)