

S/L 25
06.08.2025
Court. No. 19
Suwayan

WPA 6948 of 2025

**Sri Apurba Payra & Anr.
Vs.
The State of West Bengal & Ors.**

Mr. Manoranjan Jana

...for the petitioners.

Mr. Jyotiprakash Chatterjee

Ms. Indomouli Banerjee

...for the State.

1. The affidavit-of-service as filed today on behalf of the writ petitioners is taken on record.
2. None appears on behalf of the private respondents despite service.
3. On behalf of the respondents/State two numbers of reports have been filed and those are also taken on record.
4. By filing the instant writ petition the writ petitioners have prayed for issuance appropriate writ/writs against the respondents/authorities more specifically against the respondent no. 4/authority for commanding him to remove illegal obstruction and/or encroachment as made by the private respondents over the PWD land in front of the writ petitioners' raiyati land measuring about 5 decimal in plot nos. 635 and 636, Mouza – Jhatia under P.S. – Mohanpur, District – Paschim Medinipur.
5. In course of hearing Mr. Jana, learned Advocate appearing on behalf of the writ petitioner submits before this Court that it is the specific case of the writ petitioners that in front of the aforementioned raiyati

land of the writ petitioners the private respondents have made encroachment over the PWD land causing thereby obstruction to the free egress and ingress to the writ petitioners property. It is thus submitted that appropriate relief/reliefs may be granted to the writ petitioners in terms of the prayers as made in the instant writ petition.

6. At the time of hearing, Ms. Banerjee, learned Advocate appearing on behalf of the respondents/State draws attention of this Court to the report dated 10.07.2025 as submitted by the respondent no. 4/authority. It is contended by Ms. Banerjee that from the report it would reveal that after physical inspection by the jurisdictional BL&LRO, the said jurisdictional BL&LRO submitted a report with the respondent no. 4/authority indicating encroachment on the Government land and thereafter notice was issued under Section 10(1) of the West Bengal Highways Act, 1964 (hereinafter referred to as the 'said Act of 1964' in short) and since the said encroachers have not removed the encroachment the jurisdictional SDO has started a proceeding under Section 10(2) of the said Act of 1964. It is further submitted by Ms. Banerjee on instruction that in the said proceeding in the next date is fixed on 08.08.2025.
7. Such being the position this Court while disposing the instant writ petition directs the respondent no. 5/authority to conclude the proceeding under Section 10(2) of the said Act of 1964 positively within last day

of September, 2025 without granting unnecessary adjournments to the parties to the said proceeding and thereafter to pass a reasoned order and to communicate the same to the parties to the said hearing forthwith.

8. It is further directed that in the event while passing such order the respondent no. 5/authority finds sufficient material in the allegation as leveled by the writ petitioners under cover of their representation dated 20.02.2025 he shall forthwith take appropriate steps for removal of encroachment under Section 10(3) of the said Act of 1964 after conclusion of proceeding under Section 10(2) of the said Act of 1964.
9. Liberty is given to the learned Advocate for the writ petitioners to communicate the server copy of this order to the respondent no. 5/authority.
10. Respondent no. 5/authority is directed to act on the server copy of this order.
11. Since affidavits have not been called for, the allegations made in the instant writ petition as deemed to have been denied.
12. With the aforementioned observation, the instant writ petition is disposed of.
13. 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.)