

S/L 10
17.04.2025
Court. No. 19
Sourav

WPA 7259 of 2025

Makhlufar Rahaman Gazi
Vs.
The State of West Bengal & Ors.

Mr. Sudarshan Ghosh

...for the petitioner.

Mr. Chandi Charan De, Ld. AGP
Mr. Anirban Sarkar

...for the State.

Mr. Saumen Gayen
Mr. Sandipan Maity

...for the respondent no. 9.

1. The affidavit-of-service as filed in Court today is taken on record.
2. By filing the instant writ petition, the writ petitioner complains inaction on the part of the respondent no. 2/authority despite receipt of the letter dated 03.12.2024 as written by the writ petitioner under cover of which the writ petitioner requested the said respondent no. 2 to take appropriate action in terms of the provisions of Section 10 of the West Bengal Highways Act, 1964 (hereinafter referred to as 'the said Act of 1964').
3. In course of hearing, Mr. Ghosh, learned advocate appearing on behalf of the writ petition at the very outset draws attention of this Court to Page Nos. 21 to 23 of the instant writ petition being a copy of report dated 12.08.2024 as submitted by the Revenue Inspector, Monirtat G.P. with the BL & LRO, Block-Jaynagar II, District – South 24 Parganas.

4. It is submitted by Mr. Ghosh that from the said report, it would reveal that the writ petitioner's allegation regarding encroachment of State highway by the private respondent no. 9 is not baseless. It is thus submitted by Mr. Ghosh that after obtaining such report from the jurisdictional BL & LRO, the respondent no. 2/authority is duty bound to proceed in accordance with the provision of Section 10 of the said Act of 1964.
5. Per contra, Mr. Maity also places his reliance upon the said report dated 12.08.2024. It is submitted by Mr. Maity that from the said report, it would reveal that the structure of the private respondent is situated in L.R. Plot No. 249 which is a Rayati land and thus, the respondent no. 2/authority is not supposed to proceed under Section 10 of the said Act of 1964.
6. Mr. De, learned AGP appearing on behalf of the respondents/authorities, however, submits that justice would be sub-served that if the respondent no. 2 is directed to consider the letter dated 03.12.2024 in terms of the report dated 12.08.2024 as would be forwarded by the jurisdictional BL & LRO.
7. Considering the rival submissions of the respective parties and on careful consideration of the entire materials as placed before this Court, this Court while disposing the instant writ petition directs the respondent no. 2 to consider the representation dated 03.12.2024 in accordance with law after obtaining the report dated 12.08.2024 from the jurisdictional BL &

LRO and shall pass a reasoned order in writing after giving due opportunity of hearing to the writ petitioner and the private respondent and/or their authorized representatives.

8. It is further directed that the respondent no. 2/authority shall forthwith communicate its reasoned order to the writ petitioner and the private respondent preferably by mail if the mail details of the writ petitioner and private respondent are provided to him at the time of hearing.
9. It is further directed that in the event, the respondent no. 2 finds sufficient merit in the representation of the writ petitioner and/or in the event, the respondent no. 2 finds any encroachment over the Lakshmikantapur Highways sub-division either at the instance of the writ petitioner or at the instance of the private respondent, he is directed to proceed in accordance with Section 10 of the said Act of 1964 forthwith.
10. It is made clear that the entire exercise as indicated hereinabove is to be completed within 60 working days from the date of communication of the server copy of this order.
11. Liberty is given to the learned advocate for the writ petitioner to communicate the server copy of this order to the respondent no. 2/authority for his immediate compliance.
12. Respondent no. 2 is hereby directed to act on the server copy of this order.

13. With the aforementioned observations, the instant writ petition being **WPA 7259 of 2025** is disposed of.
14. 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.)