

S/L 28
02.05.2025
Court. No. 19
Suvayan

WPA 7224 of 2025

**Batul Bera & Anr.
Vs.
The State of West Bengal & Ors.**

*Mr. Raj Kr. Sain
Mr. Prithwish Guria*

...for the petitioners.

*Mr. Supratim Dhar, Sr. Adv.
Ms. Tuli Sinha*

...for the State.

*Mr. Supriyo Chattopadhyay
Mr. Sudip Kumar Maiti
Ms. Debosri Chatterjee*

...for the private respondents.

1. The affidavit-of-service as filed today is taken on record.
2. By filing the instant writ petition the writ petitioners have prayed for issuance of appropriate writ/writs against the respondent no. 5 commanding him to remove the illegal/unauthorized construction from the Government land as has been allegedly constructed by the private respondents herein.
3. In course of hearing, learned Advocate appearing on behalf of the writ petitioners at the very outset draws attention of this Court to page no. 18 of the instant writ petition being a copy of the letter dated 03.03.2025 addressed to the different functionaries of the State including the respondent nos. 3, 4 and 5.
4. It is submitted on behalf of the writ petitioners that under cover of the said letter dated 03.03.2025 it has been alleged by the writ petitioners that on account of an illegal construction over the P.W.D. road in front of the land of the writ petitioners, the writ petitioners are

facing difficulty in enjoying their property since the construction as has been raised by the private respondents are creating obstruction to such enjoyment.

5. It is further contended that despite of such letter dated 03.03.2025 the respondents/authorities had taken no steps at all and they were practically sitting idle over the matter.
6. Such contention is, however, opposed on behalf of the private respondents.
7. It is submitted by the learned Advocate for the private respondents that the allegation as made out in the said letter dated 03.03.2025 has got no basis at all.
8. On careful consideration of the entire materials as placed before this Court and after hearing the learned Advocates for the contending parties including learned Advocate for the State, this Court while disposing the instant writ petition directs the respondent no. 6 to make a field enquiry with regard to the allegation made by the writ petitioners under cover of their letter dated 03.03.2025 after serving notices upon the writ petitioners as well as upon the private respondent nos. 8 to 16 and on conclusion of such enquiry he shall submit a report to the respondent no. 5.
9. The respondent no. 5 is hereby directed to consider such report of the respondent no. 6 in the light of the allegation as made by the writ petitioners under cover of their letter dated 03.03.2025 and after giving an opportunity of hearing to the writ petitioners as well as

to the private respondent nos. 8 to 16 and/or their authorized representatives shall pass a reasoned order soon thereafter and shall communicate the same both to the writ petitioners as well as to the private respondents forthwith preferably by mail, if the mail details of the writ petitioners and the private respondents are provided to him at the time of hearing.

10. It is further directed that the entire exercise as indicated hereinabove are to be completed by the respondent nos. 5 and 6 within 90 working days from the date of communication of this order to them.
11. It is further directed that in the event the respondent no. 5 finds sufficient merit in the allegation of the writ petitioners as made under cover of their letter dated 03.03.2025 he is at liberty to take appropriate steps for removal of the encroachment under Section 10 of the West Bengal Highways Act, 1964 soon thereafter.
12. Liberty is given to the learned Advocate-on-Record of the writ petitioners to forward the server copies of this order to the respondent nos. 5 and 6 along with a copy of the letter dated 03.03.2025.
13. The respondent nos. 5 and 6 are directed to act on the server copies of this order.
14. With the aforementioned observation, the instant writ petition being WPA 7224 of 2025 is disposed of.
15. 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.)