

Item No.12
16.04.2025
Court. No. 19
GB

W.P.A. 7346 of 2025

Samsul Sk.

Vs.

The State of West Bengal & Ors.

Mr. Subhas Chandra Dutta

...for the Petitioner.

*Mr. Chandi Charan De, Ld. A.G.P.,
Mr. Anirban Sarkar*

...for the State.

Ms. Manali Biswas

...for the Respondent Nos.10 to 13.

1. Affidavit-of-service as filed today on behalf of the writ petitioner is taken on record.
2. At the very outset learned advocate for the writ petitioner draws attention of this Court to page nos.18 and 19 of the instant writ petition being a copy of the letter dated March 19, 2025 as written by the writ petitioner addressed to the respondent no.6 alleging unauthorized and illegal encroachment over P.W.D. road causing thereby blockage in respect of the easy ingress and egress to the writ petitioner's land, situated at Plot No.1601 under P.S. – Nowda, District – Murshidabad.
3. It is contended on behalf of the writ petitioner that despite receipt of such letter dated March 19, 2025, the respondent no.6/ authority has not taken any steps whatsoever and is sitting tight over the matter.
4. Such contention is disputed by the learned advocate for the private respondents. It is submitted that the property alleged to be in occupation of the writ

petitioner is the subject matter of a partition suit and that suit has already reached at its argument stage. It is further submitted on behalf of the private respondents that the writ petitioner himself has encroached a portion of the P.W.D. road.

5. Mr. De, learned Additional Government Pleader submits before this Court that justice would be subserved if the respondent no.6 is directed to consider the letter dated March 19, 2025 as written by the writ petitioner in accordance with law.
6. On careful consideration of the entire materials as placed before this Court, this Court while disposing the instant writ petition directs the respondent no.6 to call for a report from the respondent no.8. The respondent no.8 is hereby directed to cause an enquiry after serving notice upon the writ petitioner and the private respondent nos. 10 to 13 and thereafter shall submit a report within thirty working days from the date of receipt of the requisition from the respondent no.6.
7. The respondent no.6 is hereby directed to consider the representation of the writ petitioner in the light of the report as would be submitted by the respondent no.8 and thereafter giving an opportunity of hearing both to the writ petitioner and to the private respondents and/or their legal representatives shall pass a reasoned order in accordance with law and shall forthwith communicate the same to the writ petitioner

and the private respondents preferably by mail if the email details of the writ petitioner and the private respondents are supplied to him at the time of hearing.

8. It is further directed that in the event the respondent no.6 finds any encroachment on the State highway either by the private respondents or by the writ petitioner, he is directed to take appropriate steps in accordance with law soon thereafter.
9. The respondent nos.6 and 8 are directed to act on the basis of the server copy of this order.
10. Liberty is given to the learned advocate on record for the writ petitioner to communicate the server copies of this order to the respondent nos.6 and 8.
11. With the aforementioned observations the writ petition is disposed of.
12. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Partha Sarathi Sen, J.)