

S/L 12
08.04.2025
Court. No. 19
Suwayan

WPA 7376 of 2025

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

*Mr. Lalratan Mondal
Mr. Dilip Kumar Sadhu*

...for the petitioners.

*Mr. Lalit Mohan Mahata, AGP
Mr. Ziaul Haque*

...for the State.

1. The affidavit-of-service as filed today on behalf of the writ petitioners is taken on record.
2. On behalf of the respondents/State Mr. Mahata, learned AGP has filed a letter dated 04.04.2025 as written by the Assistant Engineer, Gazole Highway Sub-Division, P.W. (Roads) Directorate. Let the said letter be taken on record.
3. By filing the instant writ petition the writ petitioners have prayed for issuance of appropriate writ or writs against the respondents/authorities more specifically against the respondent no. 8 to take appropriate action in terms of his representation dated 06.03.2025.
4. It is submitted on behalf of the writ petitioners that under cover of a letter dated 06.03.2025 as written by the writ petitioners, the writ petitioners made a complaint with the respondents/authorities that the private respondent had made some illegal encroachment over public road viz.; Aiho Singabad Road near Buritala Primary School in front of the writ

petitioners' land being R.S. Plot nos. 683 and 684, Khatian no. 3731 and J.L. no. 249, Mouza – Rishipur, P.S. Habibpur, District – Malda causing thereby obstruction as to the free egress and ingress to the writ petitioners' property.

5. It is the grievance of the writ petitioners that even after receipt of such letter the respondents/authorities more specifically the respondent no. 3 had not taken any steps.
6. *Per contra*, Mr. Mahata, learned AGP for the State submits that from the letter dated 04.04.2025 it would reveal that the respondent no. 3/authority had already taken up the matter with the BL&LRO, Habibpur Block requesting him to make demarcation. It is further submitted by Mr. Mahata that the said respondent no. 3 had undertaken to take appropriate action immediately after receipt of the demarcation at the location as mentioned in the foregoing paragraphs.
7. In view of such, while disposing the instant writ petition this Court directs the BL&LRO, Habibpur Block, Malda to make demarcation as requested by the respondent no. 3 under cover of his memo no. 131 dated 04.04.2025 within a period of fortnight from today and shall communicate his report to the respondent no. 3 i.e.; the Executive Engineer, Malda Highway Division, Public Works Department Roads Directorate, Government of West Bengal soon thereafter.

8. It is further ordered that in the event the respondent no. 3 finds sufficient merit in the representation dated 06.03.2025 as submitted by the writ petitioners after obtaining report from the BL&LRO, he shall take immediate action under Section 10 of the West Bengal Highways Act, 1964 and shall complete the process under the said section after giving an opportunity of hearing both to the writ petitioners as well as to the private respondents and by passing a reasoned order thereafter.
9. The respondent no. 3 is further directed to communicate such reasoned order both to the writ petitioners as well as to the private respondent forthwith preferably by mail, if the mail details of the writ petitioners and the private respondent are provided to him in course of hearing.
10. It is made clear that the entire process as indicated in the foregoing paragraph is to be completed by the respondent no. 3 within 90 working days from the date of receipt of the relevant report from the concerned BL&LRO.
11. The time limit as fixed by this Court is mandatory and peremptory.
12. Liberty is given to the writ petitioners to communicate the server copies of this order to the respondent no. 3 as well as to the BL&LRO, Habibpur Block, Malda.
13. Both the respondent no. 3 and the said BL&LRO are directed to act on the server copy of this order.

14. With the aforementioned observation, the instant writ petition being WPA 7376 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.)