

S/L 94
30.06.2025
Court. No. 19
Sourav

WPA 7696 of 2025

**Sri Sujit Hati @ Sujit Kumar Hati
Vs.
The State of West Bengal & Ors.**

*Mr. Debjit Mukherjee
Mr. Sumitava Chakraborty
Ms. Bratati Pramanick*

...for the petitioner.

*Mr. Sk. Md. Galib, Sr. Govt. Adv.
Mr. Manish Biswas*

...for the State.

*Mr. Avirup Chatterjee
Mr. Rishov Das*

...for the private respondents.

1. The affidavit-of-service as filed today on behalf of the writ petitioner is taken on record.
2. At the time of hearing, Mr. Mukherjee, learned advocate appearing on behalf of the writ petitioner has handed over a copy of the letter dated 28.05.2025 as written by the Executive Engineer, Diamond Harbour Highway Division, P.W. (Roads) Directorate whereby and whereunder the learned advocate for the writ petitioner was requested to make some corrections in the cause title of the instant writ petition.
3. Mr. Mukherjee, learned advocate appearing on behalf of writ petitioner in his usual fairness submits before this Court that the defect as indicated under memo dated 28.05.2025 is required to be rectified and thus, Mr. Mukherjee seeks leave of this Court to correct the cause title in the spirit of the said letter dated 28.05.2025.
4. In view of such, liberty is given to the learned advocate on record for the writ petitioner to make necessary

corrections in respect of respondent nos. 4 and 5 positively in course of this day in Court in the spirit of the memo dated 28.05.2025.

5. At the time of hearing, learned advocate appearing on behalf of the respondent/State has submitted a copy of memo dated 26.06.2025 enclosing the previous memo as stated in the earlier paragraph.
6. The copy of the memo dated 26.06.2025 as filed on behalf of the respondent/State is taken on record.
7. On careful perusal of the entire materials as placed before this Court and after hearing the learned advocates for the contending parties, it appears to this Court that it is the case of the writ petitioner that the writ petitioner is the owner of a portion of the land particulars of which has been mentioned in paragraph no. 3 of the instant writ petition.
8. From Page No. 55 of the instant writ petition, being a copy of the letter dated 'nil' as addressed to the respondent no. 8/authority, it reveals that before the respondent no. 8/authority, the writ petitioner had ventilated his grievance that on account of an illegal construction at the instance of the private respondents encroaching P.W.D. road he is facing difficulty in getting easy access to his aforementioned property.
9. It is the further grievance of the writ petitioner that despite submission of the said letter with the respondent no. 8/authority, the respondents/authorities had taken no steps as yet.

10. Mr. Mukherjee, thus, submits that it is a fit case for allowing the instant writ petition by passing appropriate order in terms of the prayers made in the instant writ petition.
11. Such contention is opposed by the learned advocate for the private respondents.
12. It is submitted that from the materials as placed before this Court no case has been made out at least *prima facie* to substantiate that either the private respondents have made any illegal construction over the P.W.D. road or they have obstructed free egress and ingress to the writ petitioner's property.
13. Learned advocate for the respondent/State in his usual fairness submits before this Court that the respondent no. 5/authority may be directed to consider the representation of the writ petitioner in accordance with law.
14. On careful consideration of the entire materials as placed before this Court and after hearing the learned advocate for the contending parties, this Court while disposing the instant writ petition directs the jurisdictional BL & LRO, i.e., the BL & LRO, Magrahat – II, P.O and P.S. Magrahat, District – South 24 Parganas to prepare a demarcation report on the basis of the representation as made to him by the writ petitioner, a copy of which has been annexed at Page Nos. 47 to 48 of the instant writ petition. Such demarcation report is to be prepared by him after securing prior service of notice upon the writ petitioner and the private respondents

and such demarcation report is to be submitted by the BL & LRO, Magrahat – II, P.O and P.S. Magrahat, District – South 24 Parganas with the respondent no. 5/authority within 30 working days from the date of communication of the server copy of this order.

15. The respondent no. 5/authority, on receipt of such demarcation report from the aforementioned BL & LRO, Magrahat – II, P.O and P.S. Magrahat, District – South 24 Parganas shall cause service of notice upon the writ petitioner and the private respondents and provide them the copies of the demarcation report as would be prepared by the said BL & LRO, Magrahat – II, P.O and P.S. Magrahat, District – South 24 Parganas.
16. The respondent no. 5 is further directed to consider the representation of the writ petitioner in accordance with law and also in the light of the demarcation report as would be submitted before him by the BL & LRO, Magrahat – II, P.O and P.S. Magrahat, District – South 24 Parganas and after giving an opportunity of hearing both to the writ petitioner and the private respondents shall pass a reasoned order and forthwith communicate the same both to the writ petitioner and the private respondents preferably by mail, if the mail details of the writ petitioner and the private respondents are furnished to him at the time of hearing.
17. The entire exercise as indicated in the foregoing paragraph is to be completed by the respondent no. 5 within 45 working days from the date of communication of the server copy of this order.

18. The time limit as fixed by this Court is mandatory and peremptory.
19. Liberty is given to the learned advocate on record of the writ petitioner to communicate the server copy of this order along with a copy of the representation as has been annexed at Page Nos. 47 and 48 both to the respondent nos. 5 and the BL & LRO, Magrahat – II, P.O and P.S. Magrahat, District – South 24 Parganas.
20. The respondent nos. 5 and the BL & LRO, Magrahat – II, P.O and P.S. Magrahat, District – South 24 Parganas are directed to act on the server copies of this order.
21. Before parting with, it is made clear that in the event, while passing the reasoned order, the respondent no. 5 finds sufficient merit in the representation of the writ petitioner, he shall forthwith initiate a proceeding under Section 10 of the West Bengal Highways Act, 1964.
22. With the aforementioned observation, the instant writ petition being **WPA 7696 of 2025** is disposed of.
23. 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.)