

Item No.21
07.08.2025
Court. No. 19
GB

W.P.A. 7798 of 2025

Ashim Kumar Nandi
Vs.
The State of West Bengal & Ors.

Mr. Rwitendra Banerjee,
Mr. Shibasis Chatterjee

...for the Petitioner.

Mr. Soumitra Bandyopadhyay, Sr. Govt. Adv.,
Mr. Priyabrata Batabyal

...for the State.

Mr. Arabinda Sen,
Ms. Rita Ganguly

...for the Respondent No.10.

1. The affidavit-of-service as filed today on behalf of the writ petitioner is taken on record.
2. The writ petitioner, the respondent State and the private respondent no.10 are represented by their respective learned advocates.
3. By filing the instant writ petition, the writ petitioner has prayed for issuance of appropriate writ/writs against the respondent no.8 authority commanding him to take appropriate steps for removal of the encroachment as made by the private respondent no.10 which according to the writ petitioner causes obstruction to the very egress and ingress to the writ petitioner's property, particular of which has been mentioned in paragraph 3 of the instant writ petition.
4. It is, thus, submitted on behalf of the writ petitioner that appropriate relief/reliefs may be granted to the writ petitioner in terms of the prayer made in the instant writ petition.

5. Such prayer is vehemently opposed by Mr. Bandyopadhyay, learned senior government advocate appearing for the State by saying that from paragraph 7 of the instant writ petition it would reveal that pursuant to execution of a decree of a civil court the alleged encroachment was removed which is, however, vehemently opposed by the learned advocate for the writ petitioner. Learned advocate for the private respondent also vehemently opposes the prayer of the writ petitioner.
6. On careful consideration of the entire materials as placed before this Court and after hearing the learned advocates for the contending parties, this Court while disposing the instant writ petition directs the respondent no.7 authority to make a field verification after securing prior service of notices upon the writ petitioner and the private respondent no.10 and thereafter to submit a field verification and/or demarcation report with the respondent no.8 authority positively within 30 working days from the day of communication of the server copy of this order.
7. The respondent no.8 authority on receipt of such report shall cause service of notices upon the writ petitioner and the private respondent no.10 and shall provide them copies of such report as would be submitted by the respondent no.7 authority.
8. The respondent no.8 authority is further directed to consider the representation dated 17.03.2025 as

submitted by the writ petitioner alleging encroachment by the private respondent no.10, in accordance with law in the light of the said demarcation report and after giving an opportunity of hearing both to the writ petitioner and the private respondent no.10 shall pass a reasoned order and forthwith communicate the same to the writ petitioner and the private respondent no.10 preferably by mail, if the email details of the writ petitioner and the private respondent no.10 are provided to him at the time of hearing.

9. The entire exercise as indicated in the foregoing paragraph is to be completed by the respondent no.8 authority within 120 working days from the date of receipt of the demarcation report and/or field verification report from the respondent no.7 authority.
10. The time limits as fixed by this Court are mandatory and peremptory.
11. 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.7 and 8 authorities for their immediate compliance.
12. The respondent nos.7 and 8 authorities are directed to act on the basis of the server copies of this order.
13. Before parting with it is made clear that in the event while passing the reasoned order the respondent no.8 authority finds sufficient merit in the representation dated 17.03.2025 as submitted by the writ petitioner,

he shall forthwith initiate a proceeding under Section 10 of the West Bengal Highways Act, 1964.

14. With the aforementioned observations the instant writ petition being WPA 7798 of 2025 is disposed of.
15. 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.)