

S/L 9
21.05.2025
Court. No. 19
Sourav

WPA 7883 of 2025

**Sk. Amaltullah & Anr.
Vs.
The State of West Bengal & Ors.**

*Mr. Subrata Mukherjee
Mr. Syed Nazmul Hossain
Mr. Syed Raihamul Hossain*

...for the petitioner.

*Mr. Ayan Banerjee
Mr. Amrita Lal Chatterjee*

...for the State.

*Mr. Avishek Prasad
Mr. Sourodeep Singha*

...for the private respondent nos. 10 and 11.

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 to remove the illegal construction as allegedly made by the private respondents over PWD road thereby creating obstruction as to the free ingress and egress to the writ petitioners' land particulars of which has been mentioned in paragraph no. 2 of the instant writ petition.
3. In course of his submission, Mr. Hossain, learned advocate appearing on behalf of the writ petitioners at the very outset draws attention of this Court to the page no. 12 of the instant writ petition being a copy of the letter dated 19.03.2025 as addressed to the respondent nos. 4 and 5. It is submitted by Mr. Hossain that despite

receipt of such letter, the said respondent nos. 4 and 5 had taken no action as yet. Such contention is, however, opposed by the learned advocate appearing on behalf of the private respondent nos. 10 and 11.

4. Mr. Banerjee, learned advocate appearing on behalf of the respondent/State and its functionaries in his usual fairness submits before this Court that appropriate order may be passed directing the respondent no. 5 to act in accordance with law.
5. 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. 9 to make a field enquiry and/or demarcation after serving prior notice to the writ petitioners and the private respondents. The respondent no. 9 is directed to submit the report of such field verification and/or demarcation with the respondent no. 4/authority.
6. The respondent no. 4/authority on receipt of such field verification report from the respondent no. 9/authority shall consider the representation dated 19.03.2025 in the light of the said report and after giving due opportunity of hearing to the writ petitioners and to the private respondents and/or their authorized representatives shall pass a reasoned order and shall forthwith communicate the same to the writ petitioners and the private respondents preferably by mail, if the

mail details of the writ petitioners and the private respondents are provided to him at the time of hearing.

7. The entire exercise as indicated hereinabove is to be completed by the respondent no. 9/authority within 30 working days from the date of communication of the server copy of this order.
8. The entire exercise as indicated in the foregoing paragraphs is to be carried out by the respondent no. 4 within 45 working days from the date of receipt of the report from the respondent no. 9/authority.
9. The time limit as fixed by this Court is mandatory and preemptory.
10. Before parting with, it is made clear that in the event while passing the reasoned order, the respondent no. 4/authority finds sufficient merit in the representation dated 19.03.2025 of the writ petitioners, he is directed to proceed in accordance with the provisions of Section 10 of the West Bengal Highways Act, 1964 forthwith.
11. Liberty is given to the learned advocate for the writ petitioners to communicate the server copy of this order to the respondent nos. 4 and 9.
12. The respondent nos. 4 and 9 are hereby directed to act on the server copy of this order.
13. With the aforementioned observations, the instant writ petition being **WPA 7883 of 2025** is disposed of.
14. Before parting with, it is made clear that since the affidavits have not called for, the allegations made in

the instant writ petition are deemed to have been denied.

15. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Partha Sarathi Sen, J.)