

D/L 29
06.08.2025
Court. No. 19
pp

WPA 7984 of 2025

**Israil Alam & Ors.
Vs.
State of West Bengal & Ors.**

*Mr. Ziaul Haque,
Mr. Mazhar Hossain Chowdhury,
Ms. Chandrima Debnath,
Ms. Sahin Sultana*

... for the petitioners.

*Mr. Soumitra Bandyopadhyay,
Ms. Suchana Banerjee*

... for the State Respondents.

*Mr. S. Majumder,
Ms. Kalpita Paul*

.....for the respondent nos.6 & 7.

1. Affidavit of service filed on behalf of the petitioners is taken on record.
2. None appears on behalf of the private respondent no.8 despite service. However, the writ petitioners, respondents/State and the private respondent nos.6 & 7 are represented by their respective counsels.
3. On careful consideration of the entire materials as placed before this Court and after hearing the learned advocates for the contending parties, it reveals that it is the grievance of the writ petitioners that the writ petitioners are the owners and occupiers of the land, particulars of which has been mentioned in paragraph 2 of the instant writ petition.
4. It further appears that it is the further grievance of the writ petitioners that the private respondents have encroached a portion of PWD road in front of the land of the writ petitioners causing thereby obstruction to free

ingress and egress to the writ petitioners' land. It is submitted that under cover of a letter dated 13.03.2025, the writ petitioners ventilated their grievances with the respondent no.2/authority, but of no effect. It is thus submitted on behalf of the writ petitioners that appropriate relief/reliefs may be granted to the writ petitioners in terms of the prayers made in the instant writ petition.

5. Such contention is vehemently opposed by Mr. Bandopadhyay, learned senior Government advocate. Drawing attention to page no.52 of the instant writ petition, it is submitted by Mr. Bandopadhyay that the representation dated 13.03.2025 does not disclose the particulars of the land in front of which the alleged encroachment has been made. It is thus submitted by Mr. Bandopadhyay that in view of such incomplete representation, no fault can be attributed to the respondent authorities, more specifically the respondent no.2/authority.
6. Prayers of the writ petitioners are also vehemently opposed by the private respondent nos.6 & 7. It is submitted that from the schedule of deed as relied upon by the writ petitioners, it would reveal that there is hardly any scope of encroachment as alleged.
7. 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.2/authority as well as the respondent

no.5/authority to consider the copies of the instant writ petition as representation of the writ petitioners.

8. The respondent no.5/authority is directed to make a field verification after securing prior service of notice upon the writ petitioners and the private respondents and thereafter he shall submit a field verification and/or demarcation report with the respondent no.2/authority within 30 working days from the date of communication of a server copy of this order together with a copy of the instant writ petition.
9. The respondent no.2/authority on receipt of such report from the respondent no.5/authority shall cause service of notice upon the writ petitioners and the private respondents and shall provide them copies of such report as would be submitted by the respondent no.5/authority. The respondent no.2/authority is thereafter directed to consider the representation of the writ petitioners in accordance with law in the light of the demarcation report and/or field verification report as would be submitted by the respondent no.5/authority and after giving due chance of hearing both to the writ petitioners and the private respondents shall pass a reasoned order and to communicate the same both to the writ petitioners and to the private respondents preferably by e-mail if the e-mail details of the writ petitioners and the private respondents are provided to him at the time of hearing.
10. The entire exercise as indicated in the foregoing paragraph is to be completed by the respondent no.

- 2/authority within 90 working days from the date of receipt of the demarcation report and/or field verification report from the respondent no.5/authority.
11. Liberty is given to the learned Advocate-on-Record for the writ petitioners to communicate the server copy of this order both to the respondent nos. 2/authority and the respondent no.5/authority.
 12. The respondent no.2/authority and the respondent no.5/authority are hereby directed to act on the server copy of this order.
 13. It is, however, made clear that in the event while passing the reasoned order the respondent no.2/authority finds sufficient merit in the representation of the writ petitioners, he shall forthwith initiate a proceeding under Section 10 of the West Bengal High Ways Act, 1964.
 14. Before parting with, it is further made clear that since no affidavits have been called for, the allegations as made in the instant writ petition are deemed to have been denied.
 15. With the aforementioned observation, the instant writ petition being WPA 7984 of 2025 is disposed of.
 16. 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.)