

S/L 25
07.08.2025
Court. No. 19
Suwayan

WPA 8016 of 2025

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

Mr. Panchanan Hajra

...for the petitioners.

Mr. Dipankar Das

...for the respondent nos. 2, 3 and 4.

Mr. Supriya Ranjan Ghosh

Mr. Joyabrata Mukherjee

...for the respondent nos. 13 and 14.

Ms. Priyanka Jana

...for the State.

1. The affidavit-of-service as filed today on behalf of the writ petitioners is taken on record.
2. The writ petitioner, the respondent nos. 2, 3 and 4 and the private respondent nos. 13 and 14 and the respondent/State are represented by their respective Counsels.
3. By filing the instant writ petition the writ petitioners have prayed for issuance of appropriate writ/writs against the respondent no. 10/authority for taking effective steps for removal of encroachment as allegedly made by the respondent nos. 13 and 14 over the PWD land in front of the writ petitioners' property particulars of which has been mentioned in paragraph no. 2 of the instant writ petition. It is submitted on behalf of the writ petitioners that on account of such illegal encroachment the egress and ingress of the writ petitioners to their own property have been seriously hampered.

4. Mr. Das, learned Advocate appearing on behalf of the respondent nos. 2, 3 and 4 in course of his submission has handed over a copy of the memo dated 16.07.2025 which is taken on record. It is submitted that from the annexures to the memo dated 16.07.2025 as filed today it would reveal that after receipt of the complaint/representation of the writ petitioners a joint field verification report was held and in course of such field verification encroachment has been noticed which is why the respondent no. 10/authority issued a notice under Section 10(1) of the West Bengal Highways Act, 1964 (hereinafter referred to as the 'said Act of 1964' in short) for removal of the encroachment.
5. Per contra, learned Advocate appearing on behalf of the private respondent nos. 13 and 14 denied and disputed the contention as raised by the learned Advocate for the writ petitioners.
6. Ms. Jana, learned advocate for the State in her usual fairness submits that the respondent no. 10/authority may be directed to act in accordance with law.
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. 10/authority to conclude the proceeding under Section 10(2) of the said Act of 1964 positively within 60 working days from the date of communication of the server copy of this order securing prior service of notice to all stake holders, if

the private respondent nos. 13 and 14 have failed to comply with the requisition of the notice under the 10(1) of the said Act of 1964.

8. The time limits as fixed by this Court are mandatory and peremptory.
9. Liberty is given to the learned Advocate-on-Record for the writ petitioners to communicate the server copy of this order to the respondent no. 10/authority.
10. The respondent no. 10/authority is directed to act on the basis of the server copy of this order.
11. With the aforementioned observation, the instant writ petition is disposed of.
12. 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.)