

S/L 23
18.09.2025
Court. No. 19
Sourav

WPA 8457 of 2025

**Most. Rijiya Bibi
Vs.
The State of West Bengal & Ors.**

Mr. Sk Rejaul Alam

...for the petitioner.

1. The affidavit-of-service as filed today on behalf of the writ petitioner is taken on record.
2. None appears on behalf of the respondent/State and its instrumentalities as well as on behalf of the private respondents despite service.
3. After hearing the learned advocate for the writ petitioner, it reveals that it is the case of the writ petitioner that the writ petitioner is the owner of a land measuring about 36 decimals in L.R. Plot No. 3428, L.R. Khatian No. 1791, Mouza – Fuldubi, J.L. No. 14, classification as danga located at the side of Gangasagar to Kochuberia Road and her name has been recorded in the record of right.
4. It is the grievance of the writ petitioner that the private respondents have encroached the P.W.D. land which is situated just in front of the writ petitioner's aforementioned property and as a result whereof the egress and ingress of the writ petitioner to her property has been obstructed. It is submitted that in an earlier round of litigation, a co-ordinate Bench of this Court vide order dated 04.04.2023 as passed in WPA 20679 of 2022 directed the respondent no. 5 therein to consider

the representation dated 01.08.2022, a copy of which has been annexed at Page No. 18 in accordance with law and to pass a reasoned order thereon.

5. It is submitted that despite communication of such order, no favourable order has been passed and thus, having no other alternative, the writ petitioner has given another representation dated 11.03.2025 with the respondent no. 5/authority requesting him to remove the encroachment as made by the private respondents but in vain.
6. In view of such, this Court while disposing the instant writ petition directs the jurisdictional BL & LRO to make a field verification securing prior service of notice upon the writ petitioner and the private respondents herein and soon thereafter, he shall submit a demarcation report with the respondent no. 5/authority within 30 working days from the date of communication of the server copy of this order.
7. On receipt of such demarcation report from the jurisdictional BL & LRO shall cause service of notice upon the writ petitioner and the private respondents and shall provide them the copies of the said demarcation report. The respondent no. 5/authority is further directed to consider the representation dated 11.03.2025 as submitted by the writ petitioner in accordance with law and after giving due opportunity of hearing both to the writ petitioner and to the private respondents and/or their authorized representatives shall pass a reasoned order and shall forthwith

communicate the same both to the writ petitioner and the private respondents preferably by email, if the email details of the writ petitioner and the private respondents are provided to him at the time of hearing.

8. The entire exercise as indicated hereinabove is to be completed within 60 working days from the date of receipt of the demarcation report from the jurisdictional BL & LRO.
9. Liberty is given to the learned advocate on record for the writ petitioner to communicate the server copy of this order to the respondent no. 5/authority and to the respondent no. 6/authority who on receipt of the same shall forward the same to the jurisdictional BL & LRO for his immediate compliance.
10. The respondent no. 5/authority and the jurisdictional BL & LRO are hereby directed to act on the basis of the server copy of this order.
11. The time limit as fixed by this Court is mandatory and peremptory.
12. Before parting with, it is, however, made clear that in the event while passing the reasoned order, the respondent no. 5/authority finds sufficient justification in the representation dated 11.03.2025 as submitted by the writ petitioner, he shall forthwith initiate a proceeding under Section 10 of the West Bengal Highways Act, 1964 for removal of encroachment, if there be any.
13. With the aforementioned observations, the instant writ petition being **WPA 8457 of 2025** is disposed of.

14. 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.)