

S/L 21
24.10.2025
Court. No. 19
Sourav

WPA 8705 of 2025

**Mainul Shaikh
Vs.
The State of West Bengal & Ors.**

*Mr. Subhas Ch. Dutta
Ms. Papiya Naskar*

...for the petitioner.

*Mr. Soumitra Bandyopadhyay, Sr. Govt. Adv.
Mr. Ram Chandra Guchait*

...for the State.

1. The affidavit-of-service as filed today on behalf of the writ petitioner is taken on record.
2. Mr. Bandyopadhyay, learned senior government advocate appearing on behalf of the respondent/State and duly assisted by Mr. Guchait has submitted a report dated 07.07.2025 which is taken on record.
3. At the time of hearing, Mr. Dutta, learned advocate appearing on behalf of the writ petitioner draws attention of this Court to Page No. 2 as well as to Page Nos. 13 to 21 of the instant writ petition. It is submitted that it is the case of the writ petitioner that the writ petitioner is the owner of the property by way of purchase, particulars of which is mentioned in paragraph no. 2 of the instant writ petition.
4. It is submitted by Mr. Dutta that it is the grievance of the writ petitioner that the private respondents most illegally raised an illegal construction in front of the aforementioned land of the writ petitioner over the P.W.D. land causing thereby serious obstruction as to the egress and ingress of the writ petitioner's property.

Mr. Dutta in course of his submission draws attention of this Court to Page nos. 24 and 25 of the instant writ petition being a copy of the representation dated 07.03.2025 as made by the writ petitioner with the respondent no. 3/authority requesting him to take appropriate steps for removal of the aforementioned illegal encroachment as made by the private respondents but of no effect.

5. Mr. Dutta thus submits that it is a fit case for allowing the instant writ petition by granting the reliefs as prayed for.
6. Mr. Bandyopadhyay, learned senior government advocate appearing on behalf of the respondent/State in course of his submission draws attention of this Court to the report dated 07.07.2025 as submitted by the respondent no. 3/authority. It is submitted by Mr. Bandyopadhyay that on receipt of the aforementioned representation dated 07.03.2025 of the writ petitioner, the Assistant Engineer, P.W.D., Plassey Sub-Division at Plassey, Nadia requested the jurisdictional BL & LRO i.e., BL & LRO, Karimpur-I, Shikerpur, Nadia to submit a demarcation report.
7. It is further submitted by Mr. Bandyopadhyay that the said jurisdictional BL & LRO reported to the Assistant Engineer, P.W.D., Plassey Sub-Division at Plassey Nadia that such demarcation report could not be completed by the Revenue Inspector of Jamsherpur R.I. Office, Jamsherpur, Nadia due to agitation of local people.

8. In view of such, this Court while disposing the instant writ petition directs the BL & LRO, Karimpur-I, Shikerpur, Nadia to conduct a field verification upon prior service of notice upon the writ petitioner and the private respondents and shall submit a demarcation report to the Assistant Engineer, P.W.D., Plassey Sub-Division at Plassey Nadia within 30 working days from the date of communication of the server copy of this order.
9. In the event, the said BL & LRO or the Revenue Inspector working under him or any other person is prevented by any person, he is at liberty to take assistance of the respondent no. 6/authority.
10. The respondent no. 6/authority is hereby directed to ensure availability of sufficient numbers of armed police personnel at the time of preparation of the demarcation report, failing which the respondent no. 6/authority will be held responsible for disobedience of the order of this Court.
11. The Assistant Engineer, P.W.D., Plassey Sub-Division at Plassey Nadia on receipt of the demarcation report from the jurisdictional BL & LRO shall give notice to the writ petitioner and the private respondents and shall provide them copies of the demarcation report as would be prepared by the jurisdictional BL & LRO.
12. The said Assistant Engineer, P.W.D., Plassey Sub-Division at Plassey Nadia is further directed to give a fair chance of hearing both to the writ petitioner and the private respondents and/or their authorized

representatives and shall pass a reasoned order over the representation dated 07.03.2025 in accordance with law in the light of the aforementioned demarcation report as would be submitted by the jurisdictional BL & LRO and shall forthwith communicate the same 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.

13. The entire exercise as indicated in the foregoing paragraphs shall have to be completed by the Assistant Engineer, P.W.D., Plassey Sub-Division at Plassey Nadia within 60 working days from the date of receipt of the demarcation report from the jurisdictional BL & LRO.
14. The time limits as fixed by this Court are mandatory and peremptory.
15. Liberty is given to the learned advocate on record for the writ petitioner to communicate the server copy of this order to the Assistant Engineer, P.W.D., Plassey Sub-Division at Plassey Nadia, the jurisdictional BL & LRO i.e., BL & LRO, Karimpur-I, Shikerpur, Nadia and the respondent no. 6/authority for their immediate compliance.
16. The Assistant Engineer, P.W.D., Plassey Sub-Division at Plassey Nadia, the jurisdictional BL & LRO i.e., BL & LRO, Karimpur-I, Shikerpur, Nadia and the respondent no. 6/authority are hereby directed to act on the basis of the server copy of this order.

17. Before parting with it is further ordered that in the event while passing the reasoned order the Assistant Engineer, P.W.D., Plassey Sub-Division at Plassey Nadia finds sufficient merit in the representation dated 07.03.2025 as submitted by the writ petitioner, he shall forthwith initiate a proceeding under Section 10(1) of the West Bengal Highways Act, 1964 for removal of the encroachment.
18. With the aforementioned observations, the instant writ petition being **WPA 8705 of 2025** is disposed of.
19. 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.)