

S/L 8
09.09.2025
Court. No. 19
Sourav

WPA 8784 of 2025

**Rabindra Nath Maity
Vs.
The State of West Bengal & Ors.**

*Mr. Dilip Kumar Maity
Mr. Sandip Maity*

...for the petitioner.

*Mr. Timir Baran Saha
Mr. Sudip Sarkar
Mr. Aninda Bhattacharya
Mr. K.P. Santra*

...for the respondent nos. 5 to 8.

*Mr. Mrinal Kanti Ghosh
Mr. Debasish Bhattacharyya*

...for the State.

1. Two numbers of affidavits-of-service as filed today on behalf of the writ petitioner are taken on record.
2. The writ petitioner, the respondent/State and its instrumentalities and the private respondents are represented by their respective learned advocates.
3. On careful perusal of the entire materials as placed before this Court and after hearing the learned advocates for the contending parties, it appears to this Court that it is the case of the writ petitioner that the writ petitioner is the owner of 0.25 acres of land in L.R. Plot No. 654 in Mouza – Gokulchalk under P.S. Pingla, District – Paschim Medinipur.
4. It is the further grievance of the writ petitioner that the private respondents have unauthorizedly encroached P.W.D. land in front of the land of the writ petitioner in such a fashion that hampers and/or obstruct easy

ingress and egress of the writ petitioner's land as mentioned hereinabove.

5. Such contention is, however, opposed by Mr. Saha, learned advocate appearing on behalf of the private respondents.
6. Mr. Ghosh, learned advocate appearing on behalf of the respondent/State submits before this Court that from the materials as placed before this Court, it would also reveal that the writ petitioner himself is an encroacher of the P.W.D. land.
7. In view of such, this Court while disposing the instant writ petition directs the respondent no. 4/authority to make a field verification after prior service of notice upon the writ petitioner and the private respondents and on the basis of such field verification, he shall submit a field verification report and/or demarcation report with the respondent no. 3/authority within 30 working days from the date of communication of the server copy of this order.
8. The respondent no. 3/authority on receipt of the field verification report and/or demarcation report from the respondent no. 4/authority shall also cause service of notice upon the writ petitioner and the private respondents and shall provide them copies of such demarcation report as would be submitted by the respondent no. 4/authority.
9. The respondent no. 3/authority shall thereafter give due opportunity of hearing both to the writ petitioner and the private respondents and/or their authorized

representatives and thereafter shall pass a reasoned order on the representation of the writ petitioner dated 10.03.2025, a copy of which has been annexed at Page Nos. 11 to 14 of the instant writ petition in the light of the said demarcation report and shall forthwith communicate the said reasoned order both to the writ petitioner and the private respondents preferably by mail, if the mail details of the writ petitioner and the private respondents are provided to him at the time of hearing.

10. The entire exercise as indicated hereinabove is to be completed by the respondent no. 3/authority within 60 working days from the date of receipt of the demarcation report from the respondent no. 4/authority.
11. Liberty is given to the learned advocate on record for the writ petitioner to communicate the server copy of this order to the respondent nos. 3 and 4/authorities.
12. The respondent nos. 3 and 4/authorities are hereby directed to act on the basis of the server copy of this order.
13. The time limits as fixed by this Court are mandatory and peremptory.
14. Before parting with, it is, however, made clear that in the event while passing the reasoned order, the respondent no. 3/authority finds any encroachment over the P.W.D. land either by the private respondents or by the writ petitioner or by any other stakeholder, if there be any, he shall forthwith initiate a proceeding

under Section 10 of the West Bengal Highways Act, 1964 against the said encroachers.

15. With the aforementioned observations, the instant writ petition being **WPA 8784 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.)