

S/L 25
10.06.2025
Court. No. 19
Suwayan

WPA 8786 of 2025

**Mahuya Das Bhakta
Vs.
The State of West Bengal & Ors.**

*Mr. Salil Kumar Maiti
Ms. Dolan Samanta*

...for the petitioner.

*Mr. Susanta Pal
Ms. Ananya Neogi*

...for the State.

1. The affidavit-of-service as filed today on behalf of the writ petitioner is taken on record.
2. Learned Advocate for the respondents/State and its functionaries i.e. the respondent nos. 1 to 7 has filed a photocopy of memo dated 22.04.2025 as written by respondent no. 3 to the respondent no. 6. The photocopy of memo dated 22.04.2025 is also taken record.
3. By filing the instant writ petition the writ petitioner has prayed for issuance of appropriate writ/writs against the respondents/authorities more specifically against the respondent no. 3 for removal of unauthorized construction as alleged to be raised by the private respondent no. 8 in front of the writ petitioner's Raiyati plot being RS and LR plot no. 1390 under Mouza – Bajitpur, JL no. 43 under P.S. – Sutahata, District – Purba Midnapore.
4. It is pertinent to mention herein that despite service of notice none appears on behalf of the private respondent no. 8.

5. At the time of hearing, learned Advocate for the writ petitioner at the very outset draws attention of this Court to page nos. 31 to 32 of the instant writ petition being a copy of the letter dated 24.02.2025 as written by the writ petitioner herein addressed to the respondents/authorities complaining erection of illegal and unauthorized construction over PWD land at the instance of the private respondent no. 8 which according to the writ petitioner causes blockage to the free egress and ingress of the aforementioned Raiyati land of the writ petitioner.
6. Learned Advocate for the writ petitioner thus submits before this Court that appropriate relief/reliefs may be granted to the writ petitioner in terms of the prayer made in the instant writ petition.
7. In course of his argument learned Advocate appearing on behalf of the respondents/State draws attention of this Court to the photocopy of the memo dated 24.02.2025 as filed today. It is submitted that immediately after receipt of the letter dated 24.02.2025 the respondent no. 3/authority has issued the aforementioned memo addressed to the respondent no. 6/authority requesting him for demarcation of land and supply of sketch map and RoR PWD land adjacent to aforementioned Raiyati plot of land belonging to the writ petitioner.
8. It is submitted further that from the said memo it would reveal that the respondent no. 3 in the said memo clearly indicated that further processes will be

undertaken after receipt of the report from the BL&LRO that is the respondent no 6 herein.

9. On being asked by this Court, learned Advocate for the respondents/State could not apprise as to whether the respondent no. 6 has submitted any report to the respondent no. 3.
10. 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. 6 to conduct a field verification after serving prior notice to the writ petitioner and the private respondent no. 8 and on the basis of such filed verification, he shall submit a report in the light of the memo dated 22.04.2025 to the respondent no. 3 positively within 45 working days from the date of receipt of the server copy of this order, if not done in the meantime.
11. After receipt of the report from the respondent no. 6, the respondent no. 3/authority after giving due opportunity of hearing to the writ petitioner and the private respondent no. 8 and after giving due adherence to the report of the respondent no. 6 shall pass a reasoned order on the representation of the writ petitioner dated 24.02.2025 within 45 working days from the date of the receipt of such report from the respondent no. 6 and shall communicate the same to the writ petitioner and the private respondent no. 8 preferably through mail, if the mail details of the writ

petitioner and the private respondent no. 8 are furnished to him at the time of hearing.

12. It is made clear that the time limit as fixed by this Court is mandatory and peremptory.
13. It is further directed that in the event the respondent no. 3 while passing the said reasoned order finds sufficient merit in the representation of the writ petitioner he shall forthwith start appropriate proceeding under Section 10 of the West Bengal Highways Act, 1964.
14. 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 6 for their immediate compliance.
15. The respondent nos. 3 and 6 are directed to act on server copy of this order.
16. With the aforementioned observation, the instant writ petition being WPA 8786 of 2025 is disposed of.
17. 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.)