

S/L 19
27.10.2025
Court. No. 19
Sourav

WPA 9031 of 2025

Sekh Mahinuddin

Vs.

The State of West Bengal & Ors.

Mr. Bhaskar Mondal

...for the petitioner.

Mr. Supratim Dhar, Sr. Adv.

Ms. Tuli Sinha

...for the State.

Mr. Manoranjan Jana

Ms. Mitali Jana

...for the private respondent nos. 5 to 10.

1. The affidavit-of-service as filed today on behalf of the writ petitioner is taken on record.
2. At the time of hearing, learned advocate appearing on behalf of the writ petitioner at the very outset draws attention of this Court to paragraph no. 3 of the instant writ petition as well as page no. 20 of the instant writ petition being a copy of the LR&ROR in respect of Plot No. 419 in Mouza – Kalinagar, P.S. Harwood Point Costal, District – South 24 Parganas. It is submitted on behalf of the writ petitioner that in front of the aforementioned land of the writ petitioner, there exists a P.W.D. road, being R.S. Plot Nos. 263 and 265 in the self same mouza.
3. It is submitted that it is the specific case of the writ petitioner that on account of some illegal construction, encroaching the P.W.D. land at the instance of the private respondent, the writ petitioner is facing extreme

difficulty in getting access to his own property being Plot No. 419.

4. It is further submitted that from Page Nos. 21 and 22 of the instant writ petition, it would reveal that on 03.02.2025 the writ petitioner made a representation with the respondent no. 4/authority for removal of such illegal encroachment at the instance of the private respondents but of no effect.
5. It is thus submitted that appropriate relief/reliefs may be granted to the writ petitioner in terms of the prayers as made in the instant writ petition.
6. Mr. Dhar, learned senior advocate appearing on behalf of the respondent/State and its instrumentalities in his usual fairness submits before this Court that appropriate order may be passed against the respondent no. 4/authority commanding him to take appropriate steps in accordance with law.
7. Learned advocate appearing on behalf of the private respondents submits before this Court that the allegation as made out in the writ petition is nothing but a myth, since, the private respondents have not made any illegal encroachment whatsoever. It is further submitted that the dispute as has been raised before this writ court is a civil dispute and, therefore, no relief ought to be granted to the writ petitioner.
8. On careful consideration of the entire materials as placed before this Court and after hearing the learned advocates for the contending parties, this Court directs the jurisdictional BL & LRO to make a field verification

after prior service of notice upon the writ petitioner and the private respondents and shall submit a field verification report and/or demarcation report with the respondent no. 4/authority positively within 30 working days from the date of communication of the server copy of this order.

9. The respondent no. 4/authority 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 copies of the demarcation report as would be prepared by the jurisdictional BL & LRO.
10. The respondent no. 4/authority 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 soon thereafter pass a reasoned order in respect of the representation dated 03.02.2025 as submitted by the writ petitioner in the light of the field verification report and/or 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.
11. The entire exercise as indicated in the foregoing paragraphs shall have to be completed by the respondent no. 4/authority within 45 working days from

the date of communication of the server copy of this order.

12. The time limits as fixed by this Court are mandatory and peremptory.
13. 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. 4/authority and the jurisdictional BL & LRO forthwith.
14. The respondent no. 4/authority and the jurisdictional BL & LRO are hereby directed to act on the basis of the server copy of this order.
15. Before parting with it is further directed that in the event while passing the reasoned order, the respondent no. 4/authority finds sufficient merit in the representation dated 03.02.2025 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 encroachment, if therebe any.
16. With the aforementioned observations, the instant writ petition being **WPA 9031 of 2025** is disposed of.
17. 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.)