

Item No.85
26.06.2025
Court. No. 19
GB

W.P.A. 9637 of 2024

Anjana Sana
Vs.
The State of West Bengal & Ors.

Mr. Bharat Ch. Simai

...for the Petitioner.

*Mr. Ayan Banerjee,
Mr. Amritalal Chatterjee*

...for the State.

1. The affidavit-of-service as filed today is taken on record.
2. Mr. Simai, learned advocate appearing on behalf of the writ petitioner at the very outset submits before this Court that it is the specific case of the writ petitioner that the writ petitioner is the owner of the property, particular of which has been mentioned in paragraph no.2 of the instant writ petition.
3. It is further submitted by Simai that it is the specific case of the writ petitioner that on account of an encroachment made by the private respondents over the PWD land the writ petitioner is facing difficulty in getting free access to her aforementioned property.
4. It is submitted further that by submitting a representation dated 20.03.2024 the writ petitioner ventilated her grievance with the respondent no.7 authority but of no effect. It is, thus, submitted by Mr. Simai that appropriate relief/reliefs may be granted to the writ petitioner in terms of the prayer made in the instant writ petition.

5. Mr. Chatterjee, learned advocate appearing on behalf of the respondent State and its functionaries in his usual fairness submits before this Court that the respondent no.7 may be directed to consider the representation of the writ petitioner in accordance with law.
6. 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.4 authority to make a field verification after securing prior service of notices upon the writ petitioner and the private respondents and shall prepare a field verification report and/or demarcation report and to submit the same with the respondent no.7 authority positively within 30 working days from the date of communication of the server copy of this order.
7. The respondent no.7 authority on receipt of such report from the respondent no.4 authority shall cause service of notices upon the writ petitioner and the private respondents and he shall provide copies of the demarcation report of the respondent no.4 to all the stakeholders.
8. The respondent no.7 is further directed to give chance an opportunity of hearing to the writ petitioner and the private respondents and/or their authorized representatives and shall pass a reasoned order on the

representation of the writ petitioner in the light of the aforementioned demarcation report and to communicate the said reasoned order forthwith to the writ petitioner and the private respondents preferably by mail, if the email details are furnished to him at the time of hearing.

9. The entire exercise shall be completed by the respondent no.7 within a period of 60 working days from the date of receipt of the report from the respondent no.4.
10. The time limits as fixed by this Court are mandatory and peremptory.
11. Liberty is given to the learned advocate on record for the writ petitioner to communicate the server copies of this order to the respondent nos.4 and 7 forthwith.
12. The respondent nos.4 and 7 are directed to act on the basis of the server copy of this order.
13. Before parting with it is made clear that while passing the reasoned order if the respondent no.7 finds sufficient merit in the representation of the writ petitioner, he shall forthwith initiate a proceeding under Section 10 of the West Bengal Highways Act, 1964 to remove the encroachment from the PWD land.
14. With the aforementioned observation, the instant writ petition being WPA 9637 of 2024 is disposed of.

15. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Partha Sarathi Sen, J.)