

S/L 9
09.09.2025
Court. No. 19
Sourav

WPA 8970 of 2025

Motaleb Mondal
Vs.
The State of West Bengal & Ors.

Mr. Sudarshan Ghosh

...for the petitioner.

Mr. Chandra Nath Sarkar
Mr. Sounak Mandal

...for the respondent no. 8.

Mr. Naba Kumar Das
Ms. Susmita Biswas Chowdhury

...for the State.

1. The affidavit-of-service as filed today on behalf of the writ petitioner is taken on record.
2. On behalf of the respondent/State, a report dated 15.05.2025 as prepared by the respondent no. 6/authority and another report dated 25.04.2025 as prepared by the respondent no. 7/authority are filed which are taken on record.
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 absolute owner of 3 decimal of land in Plot No. 980 in Mouza – Raghunathpur, District – South 24 Parganas, particulars of which has been mentioned in paragraph no. 2 of the instant writ petition.
4. It is the grievance of the writ petitioner that the private respondents most illegally constructed a shop room over

the P.W.D. land by way of encroachment causing thereby obstruction to the free egress and ingress to the writ petitioner's land. It is thus submitted by Mr. Ghosh, learned advocate appearing on behalf of the writ petitioner that appropriate relief/reliefs may be granted to the writ petitioner in view of the fact that the respondents/authorities have done nothing despite submission of the representation dated 17.03.2025, a copy of which has been annexed at Page No. 29 of the instant writ petition.

5. Mr. Das, learned advocate appearing on behalf of the respondent/State and its instrumentalities, however, in his usual fairness submits before this Court that from the report dated 15.05.2025 as prepared by the respondent no. 6/authority, it would reveal that the private respondents' shop was found to be located within 50 ft. periphery from the middle of the present P.W.D. road.
6. Such contention is, however, opposed by Mr. Sarkar, learned advocate appearing on behalf of the private respondents.
7. It is contended by Mr. Sarkar that the said shop room of the private respondents is situated on the rayati land of the private respondents.
8. It is further submitted by Mr. Sarkar that the allegation as made on behalf of the writ petitioner is contrary to the truth.
9. On careful consideration of the entire materials as placed before this Court and after hearing the learned

advocates for the contending parties, it reveals to this Court that after receipt of the representation dated 17.03.2025 as submitted by the writ petitioner, the respondent no. 6/authority after due service of notice upon the writ petitioner and the private respondents had prepared a demarcation report dated 14.05.2025 through its Revenue Inspector and the same was forwarded to the respondent no. 3/authority vide memo dated 15.05.2025.

10. In view of such, this Court while disposing the instant writ petition directs the respondent no. 3/authority to cause service of notice upon the writ petitioner and the private respondents and shall provide them a copy of the said demarcation report dated 14.05.2025 as prepared by the Revenue Inspector of the respondent no. 6/authority.
11. The respondent no. 3/authority is further directed to give a fair chance of hearing both to the writ petitioner and the private respondents and thereafter shall pass a reasoned order on the representation of the writ petitioner dated 17.03.2025 as submitted by the writ petitioner in the light of the said demarcation report dated 14.05.2025 and shall forthwith communicate the same 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.
12. The entire exercise as indicated hereinabove is to be completed by the respondent no. 3/authority within 60

working days from the date communication of the server copy of this order.

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. 3 /authority.
14. The respondent no. 3 /authority is hereby directed to act on the basis of the server copy of this order.
15. The time limit as fixed by this Court is mandatory and peremptory.
16. Before parting with, it is, however, made clear that in the event while passing the reasoned order, the respondent no. 3/authority finds sufficient merit in the representation dated 17.03.2025, he shall forthwith initiate a proceeding under Section 10 of the West Bengal Highways Act, 1964 for removal of the encroachment from the P.W.D. road by any person whatsoever without any further delay.
17. With the aforementioned observations, the instant writ petition being **WPA 8970 of 2025** is disposed of.
18. 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.)