

M/L 83
18.09.2025
Court. No. 19
Suvayan

WPA 10548 of 2024

**Md. Bodiuzzaman
Vs.
State of West Bengal & Ors.**

*Mr. Ayan Banerjee
Ms. Debasree Dhamali
Ms. Riya Ghosh
Mr. Ajeyo Chowdhury*

...for the petitioner.

*Mr. Supratim Dhar, Sr. Adv.
Mr. Rafikul Islam Sardar*

...for the State.

*Ms. Manika Roy
Ms. Ankita Chowdhury
Mr. Atanu Sur*

...for N.H.A.I.

1. The writ petitioner, the respondents/State and the N.H.A.I. are represented by their respective Counsels.
2. On behalf of the respondents/State Mr. Sardar has submitted a report which is taken on record.
3. On perusal of the entire materials as placed before this Court, it reveals that it is the case of the writ petitioner that the writ petitioner and the private respondent no. 12 are the joint owners in respect of 2 decimals of land in Plot no. 2511/2929 in Mouza – Nalhati under P.S. – Nalhati and it is the further case of the writ petitioner that the writ petitioner and the private respondent no. 12 have decided to occupy their demarcated portions as have been done on mutual basis.
4. It is submitted by Ms. Dhamali, learned Advocate appearing on behalf of the writ petitioner that it is the grievance of the writ petitioner that the private

respondent no. 12 in violation of such mutual understanding made illegal construction in front of the writ petitioner's demarcated property over the PWD land in such a fashion which causes complete blockage to the egress and ingress to his property.

5. It is submitted by Ms. Dhamali that the writ petitioner ventilated his grievance with the respondents/authorities more specifically; with the respondent no. 5/authority by way of a representation dated 28.02.2024 as has been annexed at page nos. 32 to 34 of the instant writ petition but of no effect. It is thus submitted by Ms. Dhamali that appropriate relief/reliefs may be granted to the writ petitioner in terms of the prayers made in the instant writ petition.
6. *Per contra*, Mr. Sardar, learned Advocate appearing on behalf of the respondents/State draws attention of this Court to the copy of the memo dated 08.07.2024 as issued by the respondent no. 5/authority to the respondent no. 9/authority whereby and whereunder the respondent no. 5/authority requested the respondent no. 9/authority to submit a demarcation report over the disputed plot before him.
7. Considering the chronology of events as discussed hereinabove, this Court while disposing the instant writ petition directs the respondent no. 9/authority to cause field verification at the disputed plot by causing prior service of notice upon the writ petitioner and the private respondent no. 12 and shall submit a demarcation report before the respondent no. 5/authority within 30

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

8. The respondent no. 5/authority on receipt of such demarcation report from the respondent no. 9/authority shall cause service of notice upon the writ petitioner and the private respondent no. 12 and shall provide them copies of the demarcation report as would be made by the respondent no. 9/authority.
9. The respondent no. 5/authority is further directed to consider the representation of the writ petitioner dated 28.02.2024 in the light of the aforementioned demarcation report as would be submitted by the respondent no. 9/authority and after giving fair chance of hearing both to the writ petitioner and the private respondent no. 12 and/or their authorized representatives shall pass a reasoned order on such representation and shall forthwith communicate the same both to the writ petitioner and the private respondent no. 12 preferably by email, if the email details of the writ petitioner and the private respondent no. 12 are provided to him at the time of hearing.
10. The entire exercise as indicated in the foregoing paragraph is to be completed by the respondent no. 5/authority within 60 working days from the date of receipt of the demarcation report from the respondent no. 9/authority.
11. The time limit as fixed by this Court is mandatory and peremptory.

12. 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. 5 and 9/authorities.
13. The respondent nos. 5 and 9/authorities are hereby directed to act on the server copy of this order
14. It is further ordered that in the event while passing the reasoned order the respondent no. 5/authority finds sufficient merit in the representation dated 28.02.2024 as submitted by the writ petitioner, he shall forthwith initiate a proceeding under Section 10 of the West Bengal Highways Act, 1964 for removal of the encroachment, if there be any.
15. Before parting with, it is pertinent to mention that from the report as submitted on behalf of the respondents/State it reveals that the jurisdictional BL&LRO i.e. the respondent no. 9/authority is facing difficulty in carrying out the demarcation due non-availability of the LA map.
16. In view of such, the respondent no. 6 i.e. the District Magistrate and Collector, Birbhum is directed to send the relevant LA map to the respondent no. 9 i.e. the BL&LRO, Nalhati-I Block forthwith in order to comply the order of this Court forthwith.
17. Further 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. 6/authority.
18. The respondent 6/authority is also directed to act on the basis of the server copy of this order.

19. With the aforementioned observation, the instant writ petition being WPA 10548 of 2024 is disposed of.
20. 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.)