

May 22, 2025
Sl. No.22
Court No.19
s.biswas

WPA 9732 of 2025

Tapan Kumar Dhawa
vs.
The State of West Bengal and others

Mr. Chitrak Biswas

... for the petitioner

Mr. Soumitra Bandyopadhyay, Sr. Govt. Adv.

Ms. Suchana Banerjee

... for the State

1. The affidavit of service as filed today on behalf of the writ petitioner is taken on record.
2. None turns up on behalf of the respondent nos.9 and 10, despite service.
3. By filing the instant writ petition, the writ petitioner has prayed for issuance of appropriate writ against the respondent authorities, more specifically against the respondent no.5 to take appropriate action under the provisions of the West Bengal Highways Act, 1964 (hereinafter referred to the said Act of 1964, for short) on account of illegal construction by the respondent nos.9 and 10 over Government land, in front of the writ petitioner's property particulars of which has been mentioned in paragraph 3 of the instant writ petition.
4. In course of his submission, learned advocate for the writ petitioner at the very outset draws attention of this court to page no.25 of the instant

writ petition being a copy of the representation dated 07.03.2025 as submitted by the writ petitioner with the respondent authorities.

5. It is submitted that despite receipt of such representation, the respondent authorities more specifically; the respondent no.4 practically did nothing and sat tight over the matter. It is thus submitted that appropriate relief/reliefs may be granted by the writ petitioner in terms of the prayer made in the instant writ petition.
6. In course of his submission, Mr. Bandyopadhyay, learned senior government advocate for the State, in his usual fairness has submitted before this court that an appropriate order may be passed directing the respondent no.5 authority to act in accordance with the provision of the said Act of 1964.
7. 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 of the instant writ petition, directs the respondent no.8 authority to make a field verification and/or demarcation securing prior service of notice upon the writ petitioner and the private respondent nos.9 and 10 and shall submit a report with the respondent no.5 positively within 30 working days from the date of communication of the server copy of this order.

8. The respondent no.5 on receipt of such report shall consider the representation dated 07.03.2025 as submitted by the writ petitioner in the light of the said report and after giving due opportunity of the hearing to the writ petitioner as well as to the private respondent nos.9 and 10, shall pass a reasoned order and shall forthwith communicate the same to the writ petitioner and the private respondent nos.9 and 10 preferably by email, if email details of the writ petitioner and the private respondents are provided to him at the time of hearing.
9. It is further made clear that in the event while passing the reasoned order, the respondent no.5 authority finds sufficient merit in the representation of the writ petitioner, he shall take appropriate action under the provision of Section 10 of the said Act of 1964 soon thereafter.
10. The entire exercise as indicated hereinabove is to be completed by the respondent no.5 authority within 60 working days from the date of receipt of the report from the respondent no.8 authority.
11. With the aforementioned observation, WPA 9732 of 2025 is disposed of.
12. Liberty is given to communicate the server copy of this order to the respondent nos.5 and 8. The respondent nos.5 and 8 will act on the server copy of this order.

13. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon completion of all necessary formalities

(Partha Sarathi Sen, J.)