

D/L 30
06.08.2025
Court. No. 19
pp

WPA 10467 of 2025

**Subir Chowdhury
Vs.
The State of West Bengal & Ors.**

Mr. Subir Sabud

...for the petitioner.

*Mr. Vimal Kumar Shahi,
Ms. Sangeeta Roy*

...for the State respondents.

1. The affidavit-of-service as filed today on behalf of the writ petitioner is taken on record.
2. None appears on behalf of the private respondents State despite service. However, learned advocates for the writ petitioner and the respondent/State are represented by their respective counsels.
3. By filing the instant writ petition, the writ petitioner has prayed for issuance of appropriate writ/writs against the respondent authorities, more specifically against the respondent no.8/authority commanding him to remove the unauthorized encroachment from the PWD road as allegedly made by the private respondent nos.10 to 14.
4. At the time of hearing, learned advocate for the writ petitioner at the very outset draws attention of this Court to paragraph 2 of the instant writ petition. It is submitted that it is the specific case of the writ petitioner that he is the owner of the property, particulars of which have been mentioned in paragraph 2 of the instant writ petition. It is further submitted that it is the specific case of the writ petitioner that the

private respondents have made some illegal encroachment on the PWD road causing thereby obstruction to free ingress and egress to the writ petitioner's property. It is further submitted that from page 35 onwards of the instant writ petition, it would reveal that the writ petitioner ventilated his grievance by submitting a representation dated 25.01.2024 with the respondent no.8/authority, however, of no effect. It is thus submitted that appropriate relief/reliefs may be granted to the writ petitioner in terms of the prayers made in the instant writ petition.

5. Learned advocate appearing on behalf of the respondents/State fairly submits before this Court that the respondent no.8/authority may be directed to consider the representation dated 25.01.2024 in accordance with law since under cover of a memo dated 13.05.2025 the respondent no.8/authority requested the B.L. & L.R.O., Domjur, Howrah to provide him a demarcation report as would be evident from the report as submitted on behalf of the respondents/State, which is taken on record.
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 B.L. & L.R.O., Domjur, Howrah to make a field verification after securing prior service of notice to the writ petitioner and the private respondents and thereafter to submit a demarcation report and/or field

verification report with the respondent no.8 as called for vide memo dated 13.05.2025.

7. The said demarcation report and/or field verification report is to be filed by the B.L. & L.R.O., Domjur, Howrah within 30 working days from the date of communication of a server copy of this order.
8. The respondent no.8/authority on receipt of such demarcation report and/or field verification report shall cause service on the writ petitioner and the private respondents and provide them copies of demarcation report. The respondent no.8/authority is further directed to give a chance of hearing both to the writ petitioner and the private respondents and/or their authorized representatives and thereafter shall pass a reasoned order on the representation of the writ petitioner in accordance with law in the light of the demarcation report as would be submitted by the B.L. & L.R.O., Domjur, Howrah.
9. The entire exercise as indicated in the foregoing paragraph is to be completed by the respondent no. 8/authority within 120 working days from the date of receipt of the demarcation report from the B.L. & L.R.O., Domjur, Howrah.
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 copy of this order both to the respondent nos. 8/authority as well as the B.L. & L.R.O., Domjur, Howrah.

12. The respondent no.8/authority and the B.L. & L.R.O., Domjur, Howrah are directed to act on the server copies of this order.
13. The time limit as fixed by the Court are mandatory and peremptory.
14. Before parting with, it is made clear that in the event while passing the reasoned order, the respondent no.8/authority finds sufficient merit in the representation of the writ petitioner, he shall forthwith initiate a proceeding under Section 10 of the West Bengal High Ways Act, 1964 for removal of the encroachments.
15. Since no affidavits have been called for, the allegations as made in the instant writ petition are deemed to have been denied.
16. With the aforementioned observation, the instant writ petition being WPA 10467 of 2025 is disposed of.
17. Urgent Xerox certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Partha Sarathi Sen, J.)