

S/L 22
07.08.2025
Court. No. 19
Suwayan

WPA 10793 of 2025

**Sri Sudarshan Bera
Vs.
The State of West Bengal & Ors.**

*Mr. Subir Sabud
Mr. Rejaul Alam
Mr. Subodh Ranjan*

...for the petitioner.

*Mr. Chandi Charan De, AGP
Mr. Anirban Sarkar*

...for the State.

*Mr. Kajal Ray
Mr. Suman Nandi*

...for the respondent nos. 8, 11 & 12.

1. The affidavit-of-service as filed today on behalf of the writ petitioner is taken on record.
2. At the time of hearing learned Advocate appearing on behalf of the writ petitioner has filed a photocopy of the memo dated 12.06.2025 as issued by the respondent no. 6/authority addressed to the BL&LRO, Debra, Paschim Midnapore, a copy of which has been sent to the writ petitioner. The photocopy of the said memo dated 12.06.2025 is taken on record.
3. By filing the instant writ petition the writ petitioner has prayed for appropriate writ/writs against the respondents/authorities more specifically against the respondent no. 6/authority commanding him to take appropriate steps for removal of the encroachment as made by the respondent nos. 8 to 12.
4. At the time of hearing, Mr. Sabud, learned Advocate appearing on behalf of the writ petitioner at the very outset draws attention of this Court to paragraph no. 2

of the instant writ petition. It is submitted that it is the specific case of the writ petitioner that the writ petitioner is the absolute owner of the property particulars of which has been mentioned in paragraph no. 2 of the instant writ petition.

5. It is submitted further that it is the specific case of the writ petitioner that the private respondents have encroached a portion of PWD road causing thereby obstruction to the free egress and ingress of the said land of the writ petitioner.
6. At this juncture, attention of this Court is drawn to page no. 22 of the instant writ petition being a copy of the representation dated 28.04.2025 as submitted by the writ petitioner requesting the respondents/authorities to take effective steps for removal of encroachment as made by the private respondents but in vein.
7. 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.
8. Such contention is vehemently opposed by Mr. Ray, learned Advocate for the private respondent nos. 8, 11 and 12. It is submitted that no materials have been placed before this Court to substantiate the allegations as made by the writ petitioner.
9. Mr. De, learned AGP appearing on behalf of the respondents/State, however, in his usual fairness submits before this Court that an appropriate order may be passed directing the respondent no.

6/authority to consider the representation of the writ petitioner in accordance with law.

10. On careful consideration of the entire materials as placed before this Court and after hearing the learned Advocates for the contending parties it reveals that on receipt of the representation dated 28.04.2025 of the writ petitioner the respondent no. 6/authority has written a letter dated 12.06.2025 to the BL&LRO, Debra, Paschim Midnapore to make a demarcation and to file demarcation report with regard to the alleged encroachment as ventilated by the writ petitioner.
11. In view of such, this Court while disposing the instant writ petition directs the BL&LRO, Debra, Paschim Midnapore to cause physical verification of the land in question after serving prior notice to the writ petitioner and the private respondents and to submit field verification and/or demarcation report with the respondent no. 6/authority positively within 30 working days from the date of communication of the server copy of this order.
12. The respondent no. 6/authority on receipt of such field verification report and/or demarcation report from the aforementioned BL&LRO shall cause service of notice upon the writ petitioner and the private respondents and thereafter shall provide them copies of such demarcation report both to the writ petitioner and the private respondents. The respondent no. 6/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 shall pass a reasoned order on the representation dated 28.04.2025 as submitted by the writ petitioner in the light of the demarcation report as would be submitted by the said BL&LRO and shall communicate the same both to the writ petitioner and the private respondents preferably by mail, if the mail details of the writ petitioners and the private respondents are furnished to him at the time of hearing.

13. The entire exercise as indicated in the foregoing paragraph is to be completed within 120 working days from the date of communication of the server copy of this order.
14. The time limits as fixed by this Court are mandatory and peremptory.
15. 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 as well as to the BL&LRO, Debra, Paschim Midnapore.
16. The respondent no. 6/authority and the said BL&LRO are directed to act on the basis of the server copy of this order.
17. Before parting with, it is made clear that in the event while passing the reasoned order the respondent no. 6/authority finds sufficient justification in the representation of the writ petitioner he shall forthwith initiate proceeding under Section 10 of the West Bengal Highways Act, 1964 for removal of the encroachers.

18. It is further made clear that since affidavits have not been called for the allegations as made in the instant writ petition are deemed to have been denied.
19. With the aforementioned observation, the instant writ petition is disposed of.
20. 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.)