

Item No.93
23.06.2025
Court. No. 19
GB

W.P.A. 11251 of 2025

Jadab Baidya & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Sirajul Haque Mondal,
Mr. Debabrata Sen,
Mr. Soumen Barman

...for the Petitioners.

Mr. Srinath Singha Roy

...for the State.

Mr. Kaustav Chatterjee,
Mr. Dipankar Guha

...for the Respondent Nos.7, 8 & 9.

1. The affidavit-of-service as filed today is taken on record.
2. Since none appears on behalf of the respondent State and its functionaries despite service, Mr. Srinath Singha Roy, learned advocate who usually appears before this Court on behalf of the State is requested by this Court to appear on behalf of the respondent State and its functionaries.
3. Learned Legal Remembrancer, Government of West Bengal is hereby directed to regularize the appointment of Mr. Srinath Singha Roy in connection with the instant writ petition.
4. On careful consideration 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 grievance of the writ petitioners that because of the alleged illegal construction at the instance of the private respondents over the PWD

road, the writ petitioners' free access to their own property situated at Plot No.1218 in Mouza – Dewanganj, Police Station - Joynagar, District – South 24 Parganas has been seriously obstructed.

5. It is the further grievance of the writ petitioners that the factum of such illegal construction was brought to the notice of the respondent authorities by submitting a representation dated 16.04.2025, however, the respondent authorities had taken no steps whatsoever.
6. Such contention is, however, denied and disputed by the learned advocate appearing on behalf of the private respondent nos.7 to 9.
7. Mr. Singha Roy, learned advocate appearing on behalf of the respondent State in his usual fairness submits before this Court that the respondent no.5 authority may be directed to consider the representation of the writ petitioners as submitted on 16.04.2025 in accordance with law.
8. 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 respondent no.5 authority to call for a demarcation report from the jurisdictional BL & LRO. The said BL & LRO shall conduct a field verification after securing prior service of notice upon the writ petitioners and the private respondents and shall submit his demarcation report with the respondent no.5

authority positively within 30 working days from the date of communication of the server copy of this order.

9. The respondent no.5 authority on receipt of such demarcation report and/or field verification report from the jurisdictional BL & LRO shall cause service of notice upon the writ petitioners and the private respondents and shall provide them copies of the said demarcation report soon thereafter.
10. The respondent no.5 is further directed to pass a reasoned order on the representation of the writ petitioners dated 16.04.2025 in the light of the said demarcation report after giving opportunity of hearing both to the writ petitioners and the private respondents and/or their authorized representatives and shall forthwith communicate the same both to the writ petitioners 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.
11. The entire exercise as indicated hereinabove is to be completed by the respondent no.5 within 60 working days from the date of receipt of the report from the jurisdictional BL & LRO.
12. The time limit as fixed by this Court is mandatory and peremptory.
13. Liberty is given to the learned advocate on record for the writ petitioners to communicate the server copy of

this order to the respondent no.2 and respondent no.5 forthwith.

14. The respondent no.2 is hereby directed to forward the server copy of this order to the jurisdictional BL & LRO for his immediate compliance.
15. Before parting with it is made clear that since no affidavits have been called for, the allegations made in the instant writ petition are deemed to have been denied.
16. It is also made clear that in the event the respondent no.5 while passing the reasoned order finds sufficient justification of the representation of the writ petitioners, he shall forthwith initiate a proceeding under Section 10 of the West Bengal Highways Act, 1964 against the illegal encroacher, if there be any.
17. With the aforementioned observation, the instant writ petition being WPA 11251 of 2025 is disposed of.
18. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Partha Sarathi Sen, J.)