

June 20, 2025
Sl. No.18
Court No.19
s.biswas

WPA 11204 of 2025

Arindam Mandal

vs.

The State of West Bengal and others

Mr. Chitrak Biswas

... for the petitioner

Mr. Himadri Sikhar Chakraborty

Ms. Susnita Saha

... for the State

1. The affidavit of service as filed today on behalf of the petitioner is taken on record.
2. Learned advocate appearing on behalf of the respondent State files a memo dated 23.05.2025 as written by the respondent no.5 authority. Let such memo dated 23.05.2025 is taken on record.
3. At the time of hearing, Mr. Biswas, learned advocate appearing on behalf of the petitioner draws attention of this court to paragraph 4 of the instant writ petition. It is submitted that it is the specific case of the petitioner that the writ petitioner is the owner of the plot no.140/235 in mouza Haribarh under P.S. Belda. It is the further case of the writ petitioner that the private respondents have encroached a portion of the PWD road in front of the writ petitioner's aforementioned land causing serious obstruction to free egress and ingress to the said land by the writ petitioner and his family members.
4. Drawing attention to annexures to the instant writ petition, it is submitted by Mr. Biswas that

such unlawful action of the private respondents has been brought to the notice of the respondent authorities, but of no effect.

5. Per contra, Ms. Saha, learned advocate appearing for the respondent State, draws attention of this court to memo dated 23.05.2025. It is submitted by Ms. Saha that from the aforementioned memo it would reveal that the respondent no.5 had already written a letter dated 22.05.2025 to the respondent no.8, requesting him to submit a demarcation report.
6. Such being the position, this court while disposing the instant writ petition, directs the respondent no.8 authority to make a field verification in terms of the letter dated 22.05.2025 as issued to him by the respondent no.5 authority after ensuring prior service of notices upon the writ petitioner and the private respondents and shall submit such field verification and demarcation report to the respondent no.5 authority within 30 working days from the date of communication of the server copy of this order.
7. The respondent no.5 authority on receipt of the report from the respondent no.8 shall consider the representation(s) of the writ petitioner, in accordance with law in the light of the report of the respondent no.8 and after giving an

opportunity of hearing both to the writ petitioner and the private respondents and/or their authorized representatives shall pass a reasoned order and shall forthwith communicate the same to the writ petitioner and the private respondents preferably by email, if the email details of the writ petitioner and the private respondents are furnished to him at the time of hearing.

8. The entire exercise as indicated in the foregoing paragraph is to be completed by the respondent no.5 authority within 45 working days from the date of receipt of the report from the respondent no.8 authority.
9. The time limit as fixed by this court is mandatory and peremptory.
10. Liberty is given to the learned advocate on record for the writ petitioner to communicate the server copies of this order to the respondent no.5 and respondent no.8.
11. The respondent nos.5 and 8 are directed to act on the server copy of this order.
12. Before parting with, it is further directed 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 forthwith initiate appropriate proceeding under Section 10 of the West Bengal Highways Act, 1964.

13. Before parting with, it is further made clear that since affidavits have not been called for, the allegations made in the instant writ petition, are deemed to have been denied.
14. With the aforementioned observation, the instant writ petition is disposed of.
15. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Partha Sarathi Sen, J.)