

S/L 6
24.09.2025
Court. No. 19
Suvayan

**WPA 11346 of 2025
With
CAN 1 of 2025
(Application not in the file)**

**Prabir Bagri & Ors.
Vs.
Union of India & Ors.**

*Mr. Sabyasachi Chatterjee
Mr. Badrul Marim
Mr. Kiron Sk.
Ms. Monalisha Sinha
Mr. Sayed Hossain*

...for the petitioners.

Mr. Rameshwar Sinha

...for U.O.I.

*Mr. Sk. Md. Galib
Ms. Priyamvada Singh*

...for the State.

Mr. Gourab Ghosh

...for the applicant in CAN 1 of 2025.

In Re: CAN 1 of 2025

1. The affidavit-of-service as filed today on behalf of the applicant in CAN 1 of 2025 is taken on record.
2. Since CAN 1 of 2025 is not traceable, Mr. Ghosh, learned Advocate appearing on behalf of the petitioners in CAN 1 of 2025 has submitted an authenticated copy of CAN 1 of 2025 which is taken on record.
3. On perusal of the I.A. CAN 1 of 2025 it reveals that it is the prayer of the petitioners of CAN 1 of 2025 that the petitioners of CAN 1 of 2025 may be added as party respondents since according to Mr. Ghosh the petitioner no. 1 of CAN 1 of 2025 is the alleged encroachers as per the writ petition filed before this Court. It is further submitted by Mr. Ghosh that the petitioner nos. 2 and 3

being the sons of petitioner no. 1 are also necessary parties since in the instant writ petition some allegations have been leveled against the said petitioner nos. 2 and 3.

4. At this juncture, Mr. Galib, learned Senior Government Advocate has filed a memo dated 25.08.2025 as issued by the Executive Engineer, Tamluk Highway Division, P.W. (Roads) Directorate enclosing therewith a memo dated 25.08.2025 as issued by the Assistant Engineer, Tamluk Highway Sub-Division, P.W. (Roads) Directorate being a copy of the notice under Section 10 of the West Bengal Highways Act, 1964 (hereinafter referred to as the 'said Act' in short). On perusal of the said notice dated 25.08.2025 it reveals that according to the said notice the petitioner nos. 2 and 3 in CAN 1 of 2025 are not arrayed as encroachers.
5. In view of such, this Court while disposing CAN 1 of 2025 permits the petitioner no. 1 of CAN 1 of 2025 to be added as a party respondent no. 11.
6. Learned Advocate-on-Record for the writ petitioners is hereby requested to insert the name of the petitioner no. 1 of CAN 1 of 2025 in the cause title of WPA 11346 of 2025 positively in course of this day in Court today.

In Re: WPA 11346 of 2025

1. By filing the instant writ petition, the writ petitioners have prayed for issuance of appropriate writ/writs against the respondent nos. 3 to 10 commanding them to remove the unauthorized occupation in front of the

writ petitioners' land particulars of which has been mention in paragraph no 4 of the instant writ petition.

2. At the time of hearing, Mr. Sk., learned Advocate appearing on behalf of the writ petitioners at the very outset draws attention of this Court to page nos. 42 and 43 of the instant writ petition being a copy of the representation dated 11.04.2025 as submitted by the writ petitioner no. 1 alleging the illegal encroachment at the instance of some persons.
3. It is submitted by Mr. Sk. that despite submission of such representation no steps have been taken by the said authorities and thus appropriate relief/reliefs may be granted to the writ petitioners in terms of the prayers made in the instant writ petition.
4. At this juncture, Mr. Galib, learned Senior Government Advocate appearing on behalf of the respondents/State draws attention of this Court to the annexures to the memo dated 25.08.2025 as submitted by him in course of hearing which has been taken on record.
5. It is submitted by Mr. Galib that from the annexures to the memo dated 25.08.2025 it would reveal that immediately after receipt of the said representation, the Assistant Engineer, Tamluk Highway Sub-Division, P.W. (Roads) Directorate asked the jurisdictional BL&LRO to make a demarcation report and pursuant to such requisition the jurisdictional BL&LRO submitted a demarcation report indicating one Saktipada Das, one Sandha Jana and one Biswajit Maiti are the encroachers over the P.W.D. land and soon thereafter a notice under

Section 10 (1) of the said Act was issued to the said encroachers.

6. Mr. Ghosh, learned Advocate appearing on behalf of added respondent, however, disputed the contention of Mr. Galib.
7. In view of the chronology of events as discussed in the foregoing paragraph this Court while disposing the instant writ petition directs the Assistant Engineer, Tamluk Highway Sub-Division, P.W. (Roads) Directorate to file application(s) under Section 10(2) of the said Act before the jurisdictional Sub-Divisional Magistrate within 15 working days from the date of communication of the server copies of this order, in the event the encroachers failed to comply with the requisition of the aforementioned two notices under Section 10(1) of the said Act dated 25.08.2025.
8. The said jurisdictional Sub-Divisional Magistrate shall have to conclude the proceeding under Sections 10 (2) and (3) of the said Act positively by the last day of December, 2025 after giving due opportunity of hearing to all stake holders.
9. Liberty is given to the learned Advocate-on-Record for the writ petitioners to communicate the server copies of this order to the Assistant Engineer, Tamluk Highway Sub-Division, P.W. (Roads) Directorate as well as the jurisdictional Sub-Divisional Magistrate that is the S.D.O., Egra, District – Purba Medinipur forthwith.
10. The Assistant Engineer, Tamluk Highway Sub-Division, P.W. (Roads) Directorate and the jurisdictional Sub-

Divisional Magistrate that is the S.D.O., Egra, District – Purba Medinipur are hereby directed to act on the server copy of this order.

- 11.** With the aforementioned observation, the instant writ petition being WPA 11346 of 2025 along with CAN 1 of 2025 are disposed of.
- 12.** Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Partha Sarathi Sen, J.)