

N.22Sl
151/CL

WPA 11691 of 2025

Milan Sk.

-vs-

The State of West Bengal & Ors.

09.09.2025
SL-16
Ct.19
(S.R.)

Mr. Sabyasachi Chatterjee
Mr. Kiron Sk.
Mr. Sayed Hossain
Ms. Monalisha Sinha ... for the petitioner.

Ms. Ranjana Har Chowdhury ... for the State.

Mr. Dhananjay Nayak
Ms. Tanwishree Mukherjee
... for the private respondent nos.9 and 10.

1. The affidavit of service as filed on behalf of the writ petitioner is taken on record.
2. Ms. Har Chowdhury, learned advocate appearing on behalf of the respondent/State and its instrumentalities has submitted a report dated 02.09.2025 of the jurisdictional BL&LRO, i.e. the respondent no.8 herein, which is taken on record. A copy of such report dated 02.09.2025 is also supplied to Mr. Nayak, learned advocate appearing on behalf of the private respondent nos.9 and 10.
3. At the time of hearing Mr. Sk. Learned advocate appearing on behalf of the writ petitioner submits before this Court that it is the specific case of the writ petitioner that the writ petitioner is the owner of 0.0400 and 0.0050 acres of land in LR Plot No.3775 in Mouza – Natun Habaspur, P.S. – Bhagwangola,

District – Murshidabad.

4. It is contended by Mr. Sk. that it is the specific case of the writ petitioner that the private respondent nos.9 and 10 have made illegal encroachment over the PWD's road thereby causing complete blockage to the access of the said land of the writ petitioner whereupon the writ petitioner's residential property is situated. It is, thus, submitted by Mr. Sk. that appropriate relief/reliefs may be granted to the writ petitioner.
5. Ms. Har Chowdhury, learned advocate duly led by Mr. Dey, learned Additional Government Pleader, appearing on behalf of the respondent/State in course of her submission draws attention of this Court to page no.2 of the report dated 02.09.2025, as filed today. It is submitted by Ms. Har Chowdhury that from the said report dated 02.09.2025, it would reveal that the jurisdictional Bl&LRO i.e. the respondent no.8 herein on physical verification found encroachment of an area of 392 Sq.Ft. over LR Plot No.3766, which is situated in front of LR Plot No.3775 at the instance of the private respondents.
6. Such contention is vehemently opposed by Mr. Nayak by stating that the property line of the private respondent nos.9 and 10 is within the rayati portion of the private respondent nos.9 and 10.
7. Such being the position, this Court while disposing

the instant writ petition directs the respondent no.7/authority to cause service of notice upon the writ petitioner and the private respondent nos.9 and 10 and after hearing the writ petitioner and the private respondent nos.9 and 10 and/or their authorized representatives shall pass a reasoned order on the representation dated 21.04.2025, as submitted by the writ petitioner (a copy of which has been annexed at page nos.46 and 47 of the instant writ petition), in the light of the demarcation report dated 02.09.2025, as submitted by the respondent no.8/authority, and shall forthwith communicate such reasoned order both to the writ petitioner and the private respondent nos.9 and 10 preferably by mail, if the email details of the writ petitioner and the private respondent nos.9 and 10 are provided to him at the time of hearing.

8. The entire exercise, as indicated in the forgoing paragraph, is to be completed by the respondent no.7/authority within forty five working days from the date of communication of the server copy of this order.
9. 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.7/authority.
10. The respondent no.7/authority is directed to act on the basis of the server copy of this order.
11. The time limits as fixed by this Court are mandatory and peremptory.

12. Before parting with, it is further made clear that, in the event, while passing the reasoned order over the representation dated 21.04.2025, as submitted by the writ petitioner, the respondent no.7/authority finds sufficient merits in such representation, he shall forthwith initiate appropriate proceeding under Section 10 of the West Bengal Highways Act, 1964 for removal of all encroachers, if thereby any, forthwith.
13. With the aforementioned observations, **WPA 11691 of 2025** is disposed of.
14. There shall, however, be no order as to costs.
15. Urgent Photostat certified copy of the order if applied for, be made over to the parties as expeditiously as possible.

(Partha Sarathi Sen, J.)