

June 30, 2025
Sl. No.116
Court No.19
s.biswas

WPA 11802 of 2025

Abdul Nasim

vs.

The State of West Bengal and others

Mr. Rajib Kumar Acharyya

Mr. Banshi Badan Maity

... for the petitioner

Mr. Ayan Banerjee

Mr. Amrita Lal Chatterjee

... for the State

Mr. Raj Kr. Sain

... for the respondent nos.9 to 11

1. The affidavit-of-service as filed today on behalf of the writ petitioner is taken on record.
2. The writ petitioner, the respondent/State and its functionaries i.e., the respondent nos. 1 to 8 and the private respondents are represented by their respective learned advocates.
3. On careful perusal of the entire materials as placed before this Court and after hearing the learned advocates for the writ petitioner, the respondent/State and its functionaries and the private respondents, it appears to this Court that it is the case of the writ petitioner that the writ petitioner is the owner of the portion of the land, particulars of which has been mentioned in paragraph no. 4 of the instant writ petition.
4. It further reveals that it is the grievance of the writ petitioner that the private respondents came in front of the house of the writ petitioner and forcefully started constructing an one storied

building encroaching P.W.D. land as a result whereof the writ petitioner's easy egress and ingress to his aforementioned plot has been substantially blocked.

5. It is the further case of the writ petitioner that soon thereafter, the writ petitioner under cover of his letter dated 02.04.2024 addressed to the respondents/authorities requested for taking appropriate steps for removal of the encroachment of P.W.D. road but in vain.
6. It is thus submitted by the writ petitioner that appropriate relief/reliefs may be granted to the writ petitioner in terms of the prayers made in the instant writ petition.
7. Such prayer is opposed on behalf of the private respondents.
8. Learned advocate for the State however submits that respondent no.6 may be directed to consider the representation of the writ petitioner in accordance with law.
9. On careful consideration of the entire materials as placed before this court, this Court while disposing the instant writ petition directs the respondent no. 7/authority to serve noticed upon the petitioner and the private respondent nos. 9 to 11 intimating the date for demarcation. The respondent no. 7 is further directed to complete

the demarcation work and to submit his 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.

10. The respondent no. 6/authority on receipt of such demarcation report from the respondent no. 7/authority shall cause service of notice upon the writ petitioner and the private respondents and shall provide them copies of the demarcation report as would be prepared by the respondent no. 7/authority.

11. The respondent no. 6/authority is further directed to consider the representation dated 02.04.2024 as submitted by the writ petitioner in the light of the demarcation report as would be submitted by the respondent no.7 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 forthwith and shall communicate the same both to the writ petitioner and the private respondents preferably by mail, if the mail details of the writ petitioner and the private respondents are furnished to him at the time of hearing.

12. The entire exercise as indicated in the foregoing paragraph is to be completed by the respondent no.6/authority within 45 working days from the date of receipt of the report from the respondent no. 7/authority.
13. The time limits as fixed by this Court are mandatory and peremptory.
14. Liberty is given to the learned advocate on record of the writ petitioner to communicate the server copy of this order to the respondent nos. 6 and 7.
15. The respondent nos. 6 and 7 are directed to act on the server copy of this order.
16. Before parting with, it is made clear that in the event, while passing the reasoned order, the respondent no. 6 finds sufficient merit in the representation of the writ petitioner dated 02.04.2024, he shall forthwith initiate a proceeding under Section 10 of the West Bengal Highways Act, 1964.
17. It is further made clear that while making demarcation, in the event the respondent no.7 finds any construction over Plot no.238 in Mouza Dakshin Gopalpur, without making any conversion regarding character of land, he shall forthwith initiate appropriate proceedings, both civil and criminal against the recorded owner(s) of said plot.

18. With the aforementioned observation, the instant writ petition being WPA 11802 of 2025 is disposed of.
19. 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.)