

Item No.24
10.07.2025
Court. No. 19
GB

W.P.A. 11896 of 2025

Tapan Mahato
Vs.
The State of West Bengal & Ors.

Mr. Soumak Bera

...for the Petitioner.

*Mr. Soumitra Bandyopadhyay, Sr. Govt. Adv.,
Ms. Suchana Banerjee*

...for the State.

1. The affidavit-of-service as filed today on behalf of the writ petitioner is taken on record.
2. In course of hearing Mr. Bera, learned advocate appearing on behalf of the writ petitioner at the very outset draws attention of this Court to paragraph no.2 of the instant writ petition. It is submitted on behalf of the writ petitioner that it is the specific case of the writ petitioner that the writ petitioner is the absolute owner of the property, particular of which has been mentioned in paragraph no.2 of the instant writ petition.
3. It is further submitted by Mr. Bera that without initiating any valid process of acquisition and without disbursing any compensation to the writ petitioner, the respondent no.6 authority is making an attempt to utilize the aforementioned land of the writ petitioner for the purpose of widening of an existing road.
4. It is further submitted by Mr. Bera that even at the time of construction of the said road, a substantial

portion of the aforementioned land of the writ petitioner has been utilized.

5. It is, thus, submitted by Mr. Bera that in the event the respondent no.6 proceeds with the widening of the road utilizing the aforementioned land of the writ petitioner, there is every apprehension in the mind of the writ petitioner that his residential house may be demolished by the respondent no.6 authority. It is further submitted by Mr. Bera that from page no.19 it would reveal that the writ petitioner through his learned advocate made a representation with the respondent no.2 authority, but in vain.
6. Such contention is, however, opposed by Ms. Banerjee, learned advocate duly led by Mr. Bandyopadhyay, learned senior government advocate. It is, however, submitted by Ms. Banerjee that the respondent no.6 may be directed to consider a fresh representation on behalf of the writ petitioner.
7. 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 jurisdictional BL & LRO to make a field enquiry after causing prior service of notice upon the writ petitioner and the respondent no.7 and shall submit a report with the respondent no.6 authority positively within 30 working days from the date of communication of the server copy of this order.

8. The respondent no.6 authority on receipt of such report from the jurisdictional BL & LRO shall consider a copy of the instant writ petition as a representation of the writ petitioner and after giving due opportunity of hearing to the writ petitioner shall pass a reasoned order on such representation in the light of the demarcation report as would be prepared by the jurisdictional BL & LRO and forthwith communicate the same to the writ petitioner preferably by mail, if the email details of the writ petitioner is furnished to him at the time of hearing.
9. The entire exercise as indicated in the foregoing paragraphs is to be completed within 45 working days from the date of receipt of the report from the jurisdictional BL & LRO.
10. The time limits as fixed by this Court are mandatory and peremptory.
11. Liberty is given to the learned advocate on record of the writ petitioner to communicate the server copy of this order to the respondent no.5 authority, who in turn will forward the said server copy of this order to the jurisdictional BL & LRO for him immediate compliance.
12. Similar 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.6 authority along with a copy of the instant writ petition

together with all its annexure for his immediate compliance.

13. With the aforementioned observation the instant writ petition being WPA 11896 of 2025 is disposed of.
14. Before parting with it is made clear that none of the respondent authorities herein shall cause any work of demolition in the residential house of the writ petitioner till passing and communication of the reasoned order by the respondent no.6 authority.
15. 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.)