

N.22Sl
151/CL

WPA 12109 of 2025

25.09.2025
SL-04
Ct.19
(S.R.)

Tapan Kumar Kar
-vs-
The State of West Bengal & Ors.

Mr. Pinaki Dhole
Ms. Pranita Mandal
Mr. Rabindra Kumar Pathak ... for the petitioner.

Mr. Asish Kumar Guha
Mr. Rajendra Chaturvedi ... for the State.

Mr. Mrinal Kanti Mukherjee
Mr. Gourav Kumar Nath
... for the respondent nos.9 to 10.

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 the private respondents are represented by their respective counsels.
3. On behalf of the private respondents an accommodation has been prayed for. Prayer for accommodation is considered and rejected.
4. By filing the instant writ petition, the writ petitioner has prayed for issuance of appropriate writ/writs against the respondent authorities, more specifically, against the respondent no.5/authority commanding him to take appropriate steps for removing the unauthorized construction of the shop room of the private respondents, which has been constructed over the PWD's land in front of the writ

petitioner's property, particulars of which has been mentioned in paragraph 2 of the instant writ petition.

5. At the time of hearing, Mr. Pathak duly led by Mr. Dhole, learned advocate appearing on behalf of the writ petitioner draws attention of this Court to page no.33 of the instant writ petition, being a copy of the representation dated 20.11.2024, as submitted by the writ petitioner with the respondent no.5/authority alleging illegal construction by the private respondents. It is submitted by Mr. Pathak that despite submission of such representation, the respondent no.5/authority has, practically, did nothing.
6. It is, thus, submitted by Mr. Pathak that it is a fit case for granting relief and/or reliefs as prayed for in the instant writ petition.
7. In course of his submission, Mr. Chaturvedi, learned advocate appearing on behalf of the respondent/State has filed a statement of facts dated 18.06.2025, as prepared by the respondent no.5/authority, which is taken on record. It is submitted by Mr. Chaturvedi that from the annexures to the said statement of fact, it would reveal that under cover of his memo dated 09.06.2025, the respondent no.5/authority requested the respondent no.7/authority to submit

a demarcation report along with sketch map.

8. Mr. Nath, learned advocate appearing on behalf of the private respondents, however, submits that in absence of any cogent material, there cannot be any justification to grant relief to the writ petitioner, as prayed for.
9. 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 respondent no.7/authority to make a field verification at the disputed plot after securing prior service of notices upon the writ petitioner and the private respondents and shall submit demarcation report with the respondent no.5/authority positively within 30 working days from the date of communication of the server copy of this order.
10. The respondent no.5/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 submitted by the respondent no.7/authority.
11. The respondent no.5/authority is further directed to give a fair chance of hearing both to the writ

petitioner and the private respondents and thereafter shall pass a reasoned order on the representation dated 20.11.2024 as submitted by the writ petitioner in the light of the demarcation report of the respondent no.7/authority and shall forthwith communicate such reasoned order both to the writ petitioner and the private respondents preferably by mail, if the email details of the writ petitioner and the private respondents are provided to him at the time of hearing.

12. The entire exercise, as indicated in the forgoing paragraphs, is to be completed by the respondent no.5/authority within 60 working days from the date of receipt of the demarcation 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 for the writ petitioner to communicate the server copy of this order to the respondent nos.5 and 7/authorities. The respondent nos.5 and 7/authorities are directed to act on the server copy of this order.
15. Before parting with, it is made clear that, in the event, while passing the reasoned order, the respondent no.5/authority finds sufficient justification in the representation of the writ

petitioner dated 20.11.2024 he shall forth initiate a proceeding under Section 10 of the West Bengal Highways Act, 1964 for removal of encroachment, if there be any.

16. With the aforementioned observations, WPA 12109 2025 is disposed of.
17. There shall, however, be no order as to costs.
18. 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.)