

S/L 9
23.07.2025
Court. No. 19
Sourav

WPA 12304 of 2023

**Humayan Laskar
Vs.
The State of West Bengal & Ors.**

*Mr. Amit Bikram Mahata
Mr. Shouvik Naskar*

...for the petitioner.

*Mr. Santanu Kr. Mitra, Sr. Govt. Adv.
Mr. Subhabrata Das*

...for the State.

1. The affidavit-of-service as filed today on behalf of the writ petitioner is taken on record.
2. On behalf of the respondent/State a report dated 10.06.2023 as submitted by the O.C., Magrahat P.S. is filed and the same is also taken on record.
3. Despite service, none appears on behalf of the private respondents.
4. By filing the instant writ petition, the writ petitioner has prayed for issuance of appropriate writ/writs against the respondents/authorities, more specifically, against the respondent no. 4/authority for taking appropriate steps for removal of the illegal construction of the private respondents over the government land.
5. In course of hearing, learned advocate appearing on behalf of the writ petitioner at the very outset draws attention of this Court to Page No. 33 of the instant writ petition, being a copy of representation as has been sent to the respondent no. 3/authority through post on 24.02.2023 wherein it has been specifically averred by the writ petitioner that the private respondents were

raising an illegal construction over the P.W.D. land causing complete blockage to the egress and ingress to the writ petitioner's land particulars of which have been mentioned in paragraph no. 2 of the instant writ petition.

6. It is submitted on behalf of the writ petitioner that despite receipt of such representation, the respondents/authorities, more specifically, the respondent nos. 3 and 4/authorities had done nothing and were practically sitting idle over the matter.
7. Learned advocate appearing on behalf of the respondent/State while drawing attention to the report as submitted today in his usual fairness submits before this Court that the respondent no. 4/authority may be directed to consider the representation of the writ petitioner in accordance with law.
8. 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. 8/authority to make a field verification securing prior service of notice upon the writ petitioner and the private respondent nos. 11 and 12 and, thereafter, to submit a field verification report and/or demarcation report with the respondent no. 4/authority positively within 30 working days from the date of receipt of the server copy of this order.
9. The respondent no. 4/authority on receipt of such demarcation report and/or field verification report shall cause service of notice upon the writ petitioner and the

private respondents 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 in the light of the demarcation report of the respondent no. 8/authority and shall forthwith communicate the same 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 furnished to him at the time of hearing.

10. The entire exercise as indicated hereinabove is to be completed within 45 working days from the date of receipt of the demarcation report and/or field verification report communication from the respondent no. 8/authority.
11. The time limits as fixed by this Court are mandatory and peremptory.
12. 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. 4 and 8/authorities forthwith.
13. The respondent nos. 4 and 8/authorities are directed to act on the basis of the server copy of this order.
14. Before parting with, it is, however, made it clear that in the event while passing the reasoned order, the respondent no. 4/authority finds sufficient justification in the representation of the writ petitioner as sent on 24.02.2023, he shall forthwith initiate a proceeding under Section 10 of the West Bengal Highways Act, 1964.

15. With the aforementioned observations, the instant writ petition being **WPA 12304 of 2025** is disposed of.
16. 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.)