

S/L 4
23.07.2025
Court. No. 19
Suwayan

WPA 12171 of 2025

Bagnan Babsayee Samiti
Vs.
The State of West Bengal & Ors.

Mr. Debjit Mukherjee
Mr. Sumitava Chakraborty
Ms. Bratati Pramanick

...for the petitioner.

Mr. Joydip Banerjee
Mr. Rajram Banerjee

...for the State.

Mr. Jaydeep Biswas
Mr. Ashok Das
Mr. Kaushik Ghosh

...for the respondent no. 13.

Ms. Mekhla Sinha

...for the Howrah Zilla Parisad.

1. The supplementary affidavit as filed today on behalf of the writ petitioner is taken on record.
2. 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. 11 for initiating a proceeding under Section 10 of the West Bengal Highways Act, 1964.
3. At the time of hearing, Mr. Mukherjee, learned Advocate appearing on behalf of the writ petitioner draws attention of this Court to page nos. 23 and 24 of the instant writ petition being a copy of the letter dated 24.02.2025 as written by the learned Advocate for the writ petitioner addressed to the respondents/authorities complaining illegal encroachment at the behest of the respondent no. 13 over the PWD road.

4. It is submitted by Mr. Mukherjee that it is the specific case of the writ petitioner that on account of the said encroachment at the instance of the respondent no. 13 the members of the writ petitioner/Samiti are facing problem as to their easy egress and ingress to their respective shops situated by the side of the PWD road.
5. It is thus submitted by Mr. Mukherjee that it is a fit case for allowing the instant writ petition by granting reliefs as prayed for.
6. Such contention is, however, opposed by Mr. Biswas, learned Advocate appearing on behalf of the private respondent.
7. It is submitted by Mr. Biswas that the private respondent uses to run a ladies garments shop on his own property and in front of the said property there is a Zilla Parishad land. It is further submitted by Mr. Biswas that on 07.07.2025 the private respondent has prayed for temporary license for occupying 48 sq. ft. of land by the side of Bagnan Station road in Mouza – Bagnan and the same is still pending.
8. Learned Advocate appearing on behalf of the respondents/State, however, in her usual fairness submits before this Court that the respondent no. 11/authority 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 and after hearing the learned Advocates for the contending parties this Court directs

the jurisdictional BL&LRO to conduct field verification after securing prior service of notice upon the writ petitioner and the private respondent no. 13 and on completion of such field verification he shall submit his field verification report and/or demarcation report with the respondent no. 11/authority positively within 30 working days from the date of communication of server copy of this order.

10. The respondent no. 11/authority on receipt of such report from the jurisdictional BL&LRO shall give a chance of hearing both to the writ petitioner as well as to the private respondent no. 13 and/of their authorized representatives and thereafter shall consider the representation of the writ petitioner dated 24.02.2025 as received by him in the light of the said demarcation report and shall pass a reasoned order and forthwith communicate the same both to the writ petitioner and the private respondent no. 13 preferably by mail, if the mail details of the writ petitioner and the private respondent no. 13 are provided to him at the time of hearing.
11. The entire exercise as indicated in the foregoing paragraph is to be completed by the respondent no. 11/authority positively within 60 working days from the date of receipt of the field verification report/demarcation report from the jurisdictional BL&LRO.
12. The time limits as fixed by this Court are mandatory and peremptory.

13. 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. 8 and 11/authorities.
14. The respondent no. 8/authority on receipt of such server copy shall forward the same to the jurisdictional BL&LRO for his immediate compliance.
15. The jurisdictional BL&LRO, the respondent nos. 8 and 11/authorities are directed to act on the server copy of this order.
16. Before parting with, it is made clear that in the event the respondent no. 11 while passing the reasoned order finds sufficient justification in the representation dated 24.02.2025 as submitted by the writ petitioner through his learned Advocate, he will forthwith initiate a proceeding under Section 10 of the West Bengal Highways Act, 1964.
17. With the aforementioned observation, the instant writ petition being WPA 12171 of 2025 is disposed of.
18. Urgent Xerox certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Partha Sarathi Sen, J.)