

M/L 17
04.08.2025
Court. No. 19
Suwayan

WPA 12355 of 2025

**Lilabati Dhara & Ors.
Vs.
The State of West Bengal & Ors.**

*Mr. Rwitendra Banerjee
Mr. Amal Kumar Saha
Mr. Iresh Paul*

...for the petitioners.

*Mr. Biswabrata Basu Mallick, AGP
Mr. Sailendranath Chakraborty*

...for the State.

Mr. Shantimay Bhattacharyya

...for the respondent no. 4.

*Mr. Anil Kr. Gupta
Mr Uttam Basak*

...for the U.O.I.

1. The parties are represented by their respective Counsels.
2. At the time of hearing, Mr. Banerjee, learned Advocate appearing on behalf of the writ petitioners at the very outset draws attention of this Court to the order dated 11.06.2025 as passed by this Court whereby and whereunder this Court on the prayer of the writ petitioners granted an *ad interim* order of injunction restraining the respondents from carrying out any work of widening of the existing road from Ranichak, Paschim Para to Jothghanashyam (Part-I) till the last day of August, 2025 or till further order whichever is earlier.
3. At this juncture, Mr. Banerjee draws attention of this Court to the comprehensive report dated 09.07.2025 as submitted by the respondent no. 11/authority supported by affidavit. It is submitted by Mr. Banerjee that in paragraph no. 3 of the comprehensive report

the respondent no. 11/authority had clearly stated that the jurisdictional BL&LRO may be directed to demarcate the disputed road so that he may construct the road on the land which is not Rayati land and in such report it has also been indicated that the respondent no. 11/authority has got no intention to encroach or work on any Rayati land without initiating any legal action or without the consent of the land holders.

4. It is thus submitted by Mr. Banerjee that in view of such report submitted by the respondent no. 11/authority the instant writ petition may be disposed of by directing the respondent no. 11/authority to carry out the work keeping in mind the undertaking given by him in paragraph nos. 10 and 11 of the comprehensive report dated 09.07.2025.
5. Mr. Basu Mallick, learned AGP appearing on behalf of the respondents/State and its instrumentalities submits before this Court that in view of such comprehensive report dated 09.07.2025 there cannot be any predicament in disposing the writ petition on the basis of such report.
6. On careful consideration of the entire materials as placed before this Court and after hearing the learned Advocates for the contending parties this Court at the very outset proposes to look to the comprehensive report dated 09.07.2025 as submitted by the respondent no. 11/authority.

7. The relevant portion of the said report dated 09.07.2025 are as under:

“

10. The disputed road stretch may be demarcated by the BL&LRO, so that we may construct the road on the land which is available for that. And we have no wish to encroach or work on rayati land without any legal acquisition or without any consent of the land owners.

11. No widening work has been done on that particular disputed portion and the concerned agency was also instructed regarding the same.”

8. As rightly pointed out by Mr. Banerjee that since the respondent no. 11/authority in his report categorically indicated that he has no intention to encroach or carry out the work of any Rayati land without initiating the due process land acquisition and/or without any consent of the land owners and further since it has been stated by the respondent no. 11/authority that in respect of the disputed portion no widening work has been done, this Court while disposing the instant writ petition directs the respondent no. 11/authority to carry out the construction of the road purely in terms of the undertaking as quoted in the foregoing paragraphs and as available in paragraph no. 10 and 11 of report dated 09.07.2025.

9. Before parting with, it is further made clear that in case of any dispute in future the jurisdictional BL&LRO that is the respondent no. 6/authority herein is hereby directed to make a field verification securing prior

service of notice upon the writ petitioners and the respondent no. 11 and to prepare a field verification report and demarcation report and to serve copies to the same to the writ petitioners and the respondent no. 11 soon thereafter.

10. Further liberty is given to the writ petitioners to approach this Court if the respondent no. 11 makes any endeavor to violate this order of this Court and/or in the event he does any work violating the demarcation report of the respondent no. 5/authority.
11. It is further made clear that in the event the respondents/authorities intend to construct the said road utilizing any Rayati land by the two sides of the said road, the respondents/State/authority are to abide by the provisions of Act XXX of 2013.
12. Liberty is given to the learned Advocate-on-Record for the writ petitioners to communicate the server copy of this order to the respondent nos. 5 and 11.
13. The respondent nos. 5 and 11 are directed to act on the basis of the server copies of this order.
14. In view of passing of such order the order of injunction as passed by this Court on 11.06.2025 is made absolute.
15. With the aforementioned observation, the instant writ petition being WPA 12355 of 2025 is disposed of.
16. 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.)