

S/L 14
08.08.2025
Court. No. 19
Sourav

WPA 13789 of 2025

**Sk. Abdul Nasim
Vs.
The State of West Bengal & Ors.**

Mr. Rajib Kr. Acharyya

...for the petitioner.

*Mr. Jyoti Prakash Chatterjee
Mr. Arka Mondal*

...for the State.

*Mr. Debasis Sur
Mr. Dipan Mazumder*

...for the private respondent nos. 9 and 10.

1. The writ petitioner, the respondent/State and the private respondents are represented by their respective learned advocates.
2. At the time of hearing, Mr. Chatterjee, learned advocate for the State files a report dated 01.07.2025 as submitted by the I.C., Panskura P.S., let the same be taken on record.
3. 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. 6/authority to take appropriate steps for removal of the illegal construction as allegedly made by the respondent no. 10/authority in front of the land of the writ petitioner, particulars of which have been mentioned in paragraph no. 4 of the instant writ petition by encroaching government land.
4. At the time of hearing, learned advocate appearing on behalf of the writ petitioner at the very outset draws

attention of this Court to Page No. 19 of the instant writ petition being a copy of letter dated 02.06.2025 as written by the writ petitioner addressed to the respondent nos. 5 and 6/authorities. It is submitted that under cover of the said letter, the writ petitioner ventilated his grievance regarding alleged encroachment of P.W.D. road by the private respondent no. 10 in front of the land of the writ petitioner causing thereby obstruction to the free egress and ingress to the writ petitioner's property.

5. It is thus submitted on behalf of the writ petitioner that appropriate relief/reliefs may be granted to the writ petitioner in terms of the prayers made in the instant writ petition.
6. Such contention is vehemently opposed by Mr. Sur, learned advocate appearing on behalf of the private respondents.
7. Mr. Chatterjee, learned advocate appearing on behalf of the respondent/State upon instruction submits before this Court that on receipt of the letter of complaint dated 02.06.2025 from the writ petitioner, the respondent no. 6/authority had written a letter to the respondent no. 7/authority for providing him a field verification and/or demarcation report.
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. 7/authority to conduct a field

verification after securing the prior service of notice upon the writ petitioner and private respondents and shall submit a field verification report and/or demarcation report with the respondent no. 6/authority within 30 working days from the date of communication of the server copy of this order.

9. The respondent no. 6/authority on receipt of such field verification report and/or 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 such field verification report and/or demarcation report. The respondent no. 6/authority shall thereafter fix a date of hearing and after giving due opportunity of hearing both to the writ petitioner and the private respondents shall pass a reasoned order on the representation dated 02.06.2025 in the light of the field verification report and/or demarcation report as would be submitted by the respondent no. 7/authority and shall communicate such reasoned order both to the writ petitioner and the private respondents preferably by email, if the email details of the writ petitioner and the private respondents are provided to him at the time of hearing.
10. The entire exercise as indicated in the foregoing paragraph is to be completed by the respondent no. 6/authority within 120 working days from the date of communication of the server copy of this order.
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 no. 6 and 7/authorities.
13. The respondent no. 6 and 7/authorities are hereby directed to act on the server copy of this order.
14. Before parting with, it is further directed that in the event while passing the reasoned order, the respondent no. 6/authority finds sufficient justification in the representation of the writ petitioner, 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 13789 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.)