

S/L 13
19.09.2025
Court. No. 19
Suvayan

WPA 14552 of 2025

**Najrul Islam
Vs.
The State of West Bengal & Ors.**

Mr. Hamidur Rahaman

...for the petitioner.

*Mr. Ayan Banerjee
Mr. Amritalal Chatterjee
Mr. Ajeyo Chowdhury*

...for the State.

1. The affidavit-of-service as filed today on behalf of the writ petitioner is taken on record.
2. At the time of hearing Mr. Rahaman, learned Advocate appearing on behalf of the writ petitioner submits before this Court that it is the specific case of the writ petitioner that he is the owner of a portion of a land particulars of which has been mentioned in paragraph no. 3 of the instant writ petition.
3. It is further submitted by Mr. Rahaman that it is the grievance of the writ petitioner that on account of an illegal construction over the PWD land at the instance of the private respondent no. 8 the egress and ingress of the writ petitioner to his aforementioned property has been hampered.
4. Drawing attention to page nos. 14 and 15 of the instant writ petition being a copy of the letter dated 01.04.2025 as written by the writ petitioner it is submitted by Mr. Rahaman that by way of representation dated

01.04.2025 the writ petitioner ventilated his grievance with the respondents/authorities but in vein.

5. It is thus submitted by Mr. Rahaman that appropriate relief/reliefs may be granted to the writ petitioner in terms of the prayers made in the instant writ petition.
6. Mr. Banerjee, learned Advocate appearing on behalf of the respondents/State and its instrumentalities in his usual fairness submits before this Court that the respondent no. 5/authority may be directed to consider the representation dated 01.04.2025 in accordance with law.
7. In view of such, this Court while disposing the instant writ petition directs the respondent no. 6/authority to make a field verification after causing prior service of notice upon the writ petitioner and the private respondent no. 8 and thereafter he shall forthwith submit a 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.
8. The respondent no. 5/authority on receipt of the demarcation report from the respondent no. 6/authority shall cause service of notice upon the writ petitioner and the private respondent no. 8 and shall provide them copies of the said demarcation report as would be submitted by the respondent no. 6.
9. The respondent no. 5/authority is further directed to consider the representation dated 01.04.2025 as submitted by the writ petitioner in the light of the said demarcation report and after giving a fair chance of

hearing both to the writ petitioner and the private respondent no. 8 and/or their authorized representatives shall pass a reasoned order and shall forthwith communicate the said order both to the writ petitioner and the private respondent no. 8 preferably by email, if the email details of the writ petitioner and the private respondent no. 8 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. 5/authority within 45 working days from the date of receipt of the demarcation report from the respondent no. 6.
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. 5 and 6/authorities.
13. The respondent nos. 5 and 6/authorities are hereby directed to act on the server copy of this order.
14. Before parting with it is further made clear that in the event while passing the reasoned order the respondent no. 5 finds sufficient justification in the representation dated 01.04.2025 he shall forthwith initiate a proceeding under Section 10 of the West Bengal Highways Act, 1964.
15. With the aforementioned observation, the instant writ petition being WPA 14552 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.)