

29. 07.08.2025
Court No.19.

(Pritam)

WPA 14678 of 2025

Sachindra Nath Maity.

-Vs.-

The State of West Bengal & Ors.

Mr. Rajib Kumar Acharyya.

....for the petitioner.

Mr. Subhraprakash Lahiri,
Mr. Dhananjay Banerjee.

...for the State.

1. The Affidavit-of-service as filed today on behalf of the writ petitioner is taken on record.
2. At the very outset, learned advocate appearing on behalf of the writ petitioner submits before this court that after filing of the instant writ petition, a memo dated July 8, 2025 is received from the Assistant Engineer, Contai Highway Sub-Division (PWD) Dte. indicating that the Assistant Engineer (PWD), Contai, Purba Medinipur, is the appropriate authority for considering the representation of the writ petitioner, a copy of which has been annexed at page no.14 of the instant writ petition. It is, thus, submitted that liberty may be given to the advocate-on-record for the writ petitioner to add the Assistant Engineer, Contai, Purba Medinipur to add as a party respondent no.10.

3. Leave, as prayed for, is hereby granted. Learned advocate for the writ petitioner is hereby requested to make necessary insertion in the cause title to the instant writ petition positively in course of this day in court.
4. At the time of hearing, learned advocate appearing for the writ petitioner draws the attention of this court to paragraph no.4 of the instant writ petition. It is submitted that it is the case of the writ petitioner that the writ petitioner is the absolute owner of the property particulars of which is stated in paragraphs no.4 of the instant writ petition.
5. It is further submitted that it is the further case of the writ petitioner that the private respondent has made some illegal construction over the PWD road in front of the said property of the writ petitioner causing thereby blockage in the easy ingress and egress to the writ petitioner's property.
6. It is submitted further under cover letter dated December 16, 2024, the writ petitioner has ventilated his grievance to the respondent no.6 authority but of no effect.
7. It is, thus, submitted that appropriate relief/reliefs may be granted to the writ petitioners in terms of the prayers made in the writ petition.
8. *Per contra*, learned advocate appearing for the respondent/State submits before this court that since

the respondent no.4 authority is not the appropriate authority and since the respondent no.10 authority is the appropriate authority to whom no representation has been submitted, the writ petitioner is not entitled to the relief/reliefs as prayed for.

9. On careful consideration of the entire materials as placed before this court and after hearing of the learned advocates of the contending parties, this court while disposing of the instant writ petition grants liberty to the writ petitioner to submit a comprehensive representation with the added respondent no.10 authority positively within 15 working days from today.

10. The respondent no.10 authority on receipt of such representation shall ask the respondent no.7, namely, the jurisdictional BL & LRO to make a field verification after securing prior service of notice upon the writ petitioner and the private respondent and thereafter to submit a field verification report/demarcation report with the added respondent no.10 authority within 30 working days thereafter.

11. The added respondent no.10 authority on receipt of such demarcation report and/or field verification report from the respondent no.7 authority shall cause service of notice upon the writ petitioner and private respondent and provide them with copies of such demarcation report and/or field verification report.

12. The added respondent no.10 authority is further directed to give a chance of hearing both to the writ petitioner and the private respondents and/or their authorized representatives and shall pass a reasoned order on the comprehensive representation of the writ petitioner, in the light of the demarcation report as would be submitted by the respondent no.7 authority before him and shall communicate such reasoned order to the writ petitioner and the private respondent preferably by e-mail, if the e-mail details of the writ petitioner and the private respondent are provided to him at the time of hearing.
13. The entire exercise as indicated hereinabove is to be completed by the added respondent no.10 within 120 working days from the date of receipt of the demarcation report from the respondent no.7 authority.
14. The time limits as have been fixed are mandatory and peremptory.
15. Liberty is given to the learned advocate-on-record to communicate the server copy of this order to the respondent no.7 as well as the added respondent no.10.
16. The respondent no.7 as well as the added respondent no.10 are directed to act on the server copy of this order.
17. Before parting with, it is made clear that in the event while passing the reasoned order, the added respondent no.10 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 for removal of the encroachers.

18. Since while disposing the instant writ petition, affidavits have not been called for, allegations made in the instant writ petition are deemed to have been denied.

19. With the aforementioned observations, WPA 14678 of 2025 is disposed of.

(Partha Sarathi Sen, J.)