

S/L 4  
08.08.2025  
Court. No. 19  
Suwayan

**WPA 15359 of 2025**

**Deb Prasad Halder  
Vs.  
The State of West Bengal & Ors.**

*Mr. Dyutiman Banerjee  
Mr. Vishal Mallick*

*...for the petitioner.*

*Mr. Supratim Dhar, Sr. Adv.  
Ms. Amrita Tewari*

*...for the State.*

*Mr. Dipendu Sarkar*

*...for the respondent no. 11.*

1. The affidavit-of-service 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. 3/authority for removal of the illegal construction as made by the private respondent no. 11 over a PWD land in front of L.R. plot no. 903 at Mouza – Radhakantapur Abad under P.S. – Raidighi, District – South 24 Parganas.
3. At the time of hearing, Mr. Banerjee, learned Advocate appearing on behalf of the writ petitioner at the very outset draws attention of this court to page nos. 30 to 33 of the instant writ petition being a copy of the order dated 12.03.2025 as passed by a co-ordinate Bench of this Court in WPA 2367 of 2025 whereby and whereunder the said co-ordinate Bench while disposing the said writ petition directed the respondent no. 3 herein to pass a reasoned order after obtaining a

field verification report from the jurisdictional BL&LRO within a specified time.

4. At this juncture, Mr. Banerjee took me to page nos. 35 to 37 of the instant writ petition being a copy of the reasoned order dated 04.06.2025 as passed by the respondent no. 3/authority wherefrom it reveals that the respondent no. 3/authority while passing the reasoned order found that the writ petitioner himself occupied a portion of the Government land in front of L.R. plot no. 902 in an unauthorized manner. In view of such finding the respondent no. 3 in the self-same reasoned order had indicated that he would take appropriate action for removal of the unauthorized structure from the Government land as raised by the writ petitioner.
5. At this juncture, Mr. Banerjee took me to the physical inspection report as prepared by the Revenue Inspector a copy of which has been annexed with the instant writ petition at page no. 40. It is submitted that from the physical inspection report of the Revenue Inspector as done by him pursuant to the aforementioned order dated 12.03.2025 it would reveal that the said Revenue Inspector found encroachment of the Government land at the instance of the writ petitioner in front of L.R. plot no. 902. It is further submitted by Mr. Banerjee that the self same physical report also indicates that the said Revenue Inspector also found encroachment of land in front of L.R. plot no. 903 at the instance of the private respondent no. 11.

6. It is submitted by Mr. Banerjee that while passing the reasoned order dated 04.06.2025 the respondent no. 3/authority though indicated that he would initiate appropriate proceeding for removal of the unauthorized encroachment as made by the writ petitioner in front of L.R. plot no. 902 but in such reasoned order there is no whisper on the part of the respondent no. 3 with regard to the illegal encroachment as made by the private respondent no. 11 herein in front of L.R. plot no. 903.
7. It is thus submitted by Mr. Banerjee that from the reasoned order dated 04.06.2025 it would reveal that the respondent no. 3/authority being an authority under Article 12 of the Constitution of India has acted in a partial manner. Mr. Banerjee thus submits that appropriate order or orders may be passed in terms of the prayers made in the instant writ petition.
8. The contention of Mr. Banerjee is vehemently opposed by Mr. Sarkar by saying that in absence of any perversity in the reasoned order dated 04.06.2025 the instant writ petition may be dismissed. It is further submitted by Mr. Sarkar that no relief may be granted to the writ petitioner since the writ petitioner has not prayed for issuance of appropriate writ/writs for removal of the alleged encroachment of the private respondent.
9. Mr. Dhar, learned Senior Advocate appearing on behalf of the respondents/State submits before this Court that

the respondent no. 3/authority may be directed in accordance with law.

10. On careful consideration of the entire materials as placed before this Court and after hearing the learned Advocates for the contending parties, this Court considers that admittedly pursuant to the order dated 12.03.2025 as passed by a co-ordinate Bench of this Court in WPA 2367 of 2025 the reasoned order was passed by the respondent no. 3/authority based on a field verification report as prepared by the Revenue Inspector of the office of the jurisdictional BL&LRO.
11. As rightly pointed out by Mr. Banerjee that in the said reasoned order dated 04.06.2025 the respondent no. 3/authority though indicated the encroachment of the Government land at the instance of the present writ petitioner, however, in such reasoned order there is no whisper with regard to the illegal encroachment as made by the respondent no. 11 over the Government land in front of L.R. plot no. 903 though the same has been specifically indicated by the Revenue Inspector in his physical inspection report.
12. In view of such, this Court while disposing the instant writ petition directs the respondent no. 3/authority to initiate a proceeding under Section 10(1) of the West Bengal Highways Act, 1964 (hereinafter referred to as the 'said Act of 1964' in short) and for removal of the encroachment as made by the writ petitioner as well as the private respondent and in the event such encroachments are not removed despite service of

notice under Section 10(1) of the said Act of 1964 he shall forthwith initiate the proceeding under Section 10(2) of the said Act of 1964 and in the event of failure to remove such encroachment the jurisdictional SDO is further directed to initiate the proceeding under Section 10(3) of the said Act of 1964 both against the writ petitioner and private respondent and to come to a logical conclusion of the same in accordance with law.

13. The entire exercises as indicated hereinabove is/are to be completed by the respondent no. 3 as well as the jurisdictional SDO positively within 150 working days from the date of communication of the server copy of this order.
14. 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. 3/authority.
15. The respondent no. 3/authority is directed to act on the basis of the server copy of this order.
16. The time limits as fixed by this Court are mandatory and peremptory.
17. The department is directed to communicate two copies of this order to the respondent no. 3/authority as well as to the respondent no. 6/authority.
18. The respondent no. 6/authority in turn shall forward such copy of the order to the jurisdictional SDO for his compliance.
19. With the aforementioned observation, the instant writ petition is disposed of.

20. 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.)**