

S/L 16
05.08.2025
Court. No. 19
Sourav

WPA 15726 of 2025

**Utpal Kanti Hazra & Anr.
Vs.
The State of West Bengal & Ors.**

Mr. Dilip Kumar Sinha

...for the petitioner.

*Mr. Supratim Dhar, Sr. Adv.
Mr. Kaustav Chatterjee*

...for the State.

1. The affidavit-of-service as filed today on behalf of the writ petitioners is taken on record.
2. None appears on behalf of the private respondents despite service.
3. Mr. Sinha, learned advocate appearing on behalf of the writ petitioners at the very outset draws attention of this Court to paragraph no. 4 of the instant writ petition.
4. It is submitted by Mr. Sinha that it is the specific case of the writ petitioners that the writ petitioners are the owners of the 7 decimal of land in plot no. 1623 under Mouza – Jalpai, P.S. Nandakumar, Purba Medinipur which is situated by the side of Bhabanipur to Thekuabazar highway. It is further submitted that it is the further case of the writ petitioners that the private respondents have occupied a portion of the said road which is a highway in front of writ petitioners' property and as a result of which, the writ petitioners' egress and ingress have been obstructed.
5. Drawing attention to page no. 27 of the instant writ petition, being a copy of the letter dated 04.03.2025, it

is submitted that under cover of the said letter, the writ petitioner has approached the respondent no. 3/authority requesting him to remove such unauthorized encroachment at the instance of the private respondents but of no effect.

6. On behalf of the respondent/State, a memo dated 28.07.2025 is filed enclosing a memo dated 16.07.2025 whereby and whereunder, the respondent no. 4/authority has requested the respondent no. 7/authority to submit a demarcation report.
7. 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 make a field verification after causing a prior service of notice upon the writ petitioner and the private respondents and on completion of such field verification, he shall file a demarcation report and/or field verification report with the respondent no. 4/authority as called for vide memo dated 16.07.2025 positively within 30 working days from the date of communication of the server copy of this order.
8. The respondent no. 4/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 the private respondents and after giving an opportunity of hearing to them and/or their authorized representatives shall

consider the representation of the writ petitioner in accordance with law in the light of the said demarcation report as would be submitted by the respondent no. 7/authority and shall pass a reasoned order and shall forthwith communicate the same both to the writ petitioner and the private respondents preferably by mail, if the email details of the writ petitioner and the private respondents are provided to him at the time of hearing.

9. The entire exercise as indicated in the foregoing paragraph is to be completed within 90 working days from the date of receipt of the demarcation report from the respondent no. 7/authority.
10. The time limits as fixed by this Court are mandatory and peremptory.
11. 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. 4 and 7/authorities.
12. The respondent nos. 4 and 7/authorities are hereby directed to act on the server copy of this order.
13. Before parting with, it is made clear that in the event while passing the reasoned order, the respondent no. 4/authority finds sufficient merit in the representation dated 04.03.2025 as submitted by the writ petitioner, he shall forthwith initiate a proceeding under Section 10 of the West Bengal Highways Act, 1964 for removal of encroachment, if therebe any.
14. With the aforementioned observations, the instant writ petition being **WPA 15726 of 2025** is disposed of.

15. 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.)