

N.22Sl
151/CL

WPA 16069 of 2025

Manisankar Khanra & & Ors.

-vs-

The State of West Bengal & Ors.

15.09.2025
SL-22
Ct.19
(S.R.)

Mr. Golam Mastafa
Mr. Tarasankar Samanta ... for the petitioners.

Mr. Chandi Charan De, Ld. Addl. Govt. Pleader
Mr. Anirban Sarkar ... 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 respondent no.8 despite service. However, the writ petitioners and the respondent/State and its instrumentalities are represented by their respective counsels.
3. On careful perusal of the entire materials, as placed before this Court and after hearing the learned advocate appearing for the contending parties, it reveals that it is the grievance of the writ petitioners that the private respondent no.8 has made a construction over the PWD's land just in front of the writ petitioners' land, particulars of which have been mentioned in paragraph 2 of the instant writ petition, and, as a result of such illegal construction at the instance of the private respondent no.8, the writ petitioners are facing extreme difficulty to get egress and ingress to the writ petitioners aforementioned property.

4. It further reveals from page nos.19 to 22 of the instant writ petition that by way of a representation dated 16.06.2025, the writ petitioners ventilated their grievance with the respondent authorities but, according to the writ petitioners, nothing has been done by the respondent authorities despite receipt of such representation dated 16.06.2025.
5. In view of such, this Court while disposing the instant writ petition directs the respondent no.6/authority to make a field verification at the disputed plot after securing prior service of notice upon the writ petitioners and the private respondent no.8 and soon thereafter, he shall submit a field verification and/or 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.
6. The respondent no.5/authority on receipt of the field verification report and/or demarcation report shall cause service of notice upon the writ petitioners as well as the private respondent no.8 and shall provide them copies of such demarcation report, as would be prepared by the respondent no.6/authority.
7. The respondent no.5/authority is further directed to consider the representation of the writ petitioners dated 16.06.2025 in the light of the demarcation report and/or filed verification report, as would be

submitted by the respondent no.6/authority and after giving fair chance of hearing both to the writ petitioners and the respondent no.8 and/or their authorized representative shall pass a reasoned order and shall forthwith communicate the same both to the writ petitioners and the private respondent no.8 preferably by mail, if the email details of the writ petitioners and the private respondent no.8 are provided to him at the time of hearing.

8. The entire exercise, as indicated in the foregoing paragraphs, is to be completed by the respondent no. 5/authority within 60 working days from the date of receipt of the field verification and/or demarcation report from the respondent no.6/authority.
9. Liberty is given to the learned advocate-on-record for the writ petitioners to communicate the server copy of this order to the respondent nos.5 and 6/authorities.
10. The respondent no.5 and 6/authorities are hereby directed to act on the basis of the server copy of this order.
11. The time limits as fixed by this Court are mandatory and peremptory.
12. With the aforementioned observations, the instant writ petition being **WPA 16069 of 2025** is disposed of.
13. Before parting with, it is made clear that, in the event, while passing the reasoned order, the respondent no.5/authority finds sufficient merits in the

representation dated 16.06.2025, as submitted by the writ petitioners, he will forthwith initiate a proceeding under Section 10 of the West Bengal Highways Act, 1964 for removal of the encroachment.

14. There shall, however, no order as to costs.

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.)