

N.22Sl
151/CL

WPA 16175 of 2025

Mahadeb Biswas

-vs-

10.09.2025
SL-07
Ct.19
(S.R.)

The State of West Bengal & Ors.

Mr. Timir Baran Saha ... for the petitioner.

Mr. Asish Kumar Guha
Mr. Somnath Naskar ... for the State.

1. The affidavit of service as filed today on behalf of the writ petitioner is taken on record.
2. Mr. Guha, learned advocate appearing on behalf of the respondent/State has filed a report dated 01.08.2025, as prepared by the respondent no.5/authority after serving a copy of the same to Mr. Saha, learned advocate appearing on behalf of the writ petitioner. Let the said report dated 01.08.2025 be taken on record.
3. By filing the instant writ petition, the writ petitioner has prayed for issuance of appropriate writ/writs against the respondent authorities, more specifically, against the respondent no.5/authority commanding him to take appropriate steps for removal of the unauthorized encroachment of the PWD's Road as made by the private respondents, which is situated in front of the property of the writ petitioner causing thereby obstruction to egress and ingress to the writ petitioner's land, particulars of which have been

- mentioned in paragraph 2 of the instant writ petition.
4. On perusal of the report dated 01.08.2025, it reveals that after obtaining the representation of the writ petitioner dated 20.05.2025, a copy of which has been annexed at page no.12 of the instant writ petition, the respondent no.5/authority requested the jurisdiction BL&LRO to prepare a demarcation report after field verification. It further reveals that pursuant to the request made by the respondent no.5/authority, the jurisdictional BL&LRO under cover of his memo dated 31.07.2025, as has been annexed at page nos.8 and 9 of the report dated 01.08.2025, has forwarded the demarcation report as called for.
 5. On perusal of the demarcation report dated 31.07.2025, as prepared by the jurisdictional BL&LRO, it reveals that the said jurisdictional BL&LRO found encroachment at the instance of one Sri Mahadeb Biswas, one Sri Ranjit Mondal and the private respondent nos.8 and 9 herein.
 6. In view of such, this Court while disposing the instant writ petition directs the respondent no.5/authority to cause service of notice upon the writ petitioner as well as to the private respondents as well as to the other stakeholders, who are found to be encroachers of PWD's road vide report dated 31.07.2025, as prepared by the jurisdictional BL&LRO and shall cause service of the said report dated 31.07.2025 upon them and,

thereafter, giving an opportunity of hearing both to the writ petitioner as well as to the private respondents as well as to the other stakeholders, if thereby any, shall pass a reasoned order on the representation dated 20.05.2025, as submitted by the writ petitioner, in the light of the said demarcation report dated 31.07.2025 and shall forthwith communicate the same both to the writ petitioner and the private respondents as well as to the other stakeholders preferably by mail, if the email details of the writ petitioner, private respondents and the other stakeholders are provided to him at the time of hearing.

7. The entire exercise, as indicated in the forgoing paragraph, is to be completed by the respondent no.5/authority within forty five working days from the date of communication of the server copy of this order.
8. 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.5/authority.
9. The respondent no.5/authority is directed to act on the basis of the server copy of this order.
10. The time limits as fixed by this Court are mandatory and peremptory.
11. Before parting with, it is further made clear that, in the event, while passing the reasoned order over the representation dated 20.05.2025, as submitted by the writ petitioner, the respondent no.5/authority finds

sufficient merits in such representation, he shall forthwith initiate appropriate proceeding under Section 10 of the West Bengal Highways Act, 1964 for removal of all encroachers, if thereby any.

12. With the aforementioned observations, **WPA 16175 of 2025** is disposed of.
13. There shall, however, be no order as to costs.
14. Urgent Photostat certified copy of the order if applied for, be made over to the parties as expeditiously as possible.

(Partha Sarathi Sen, J.)