

S/L 6
27.08.2025
Court. No. 19
Suwayan

WPA 16920 of 2025

**Parvej Mehedi
Vs.
The State of West Bengal & Ors.**

*Mr. Rabi Lal Maitra, Sr. Adv.
Mr. Rajitlal Maitra*

...for the petitioner.

*Mr. Soumitra Bandapadhyay
Mr. Prasanta Behari Mahata*

...for the State.

*Mr. Ramkrishna Bhattacharyya
Mr. Kaushik Choudhury*

...for the respondent nos. 4 to 8.

1. The affidavit-of-service as filed today on behalf of the writ petitioner is taken on record.
2. The writ petitioner, the respondents/State and its instrumentalities and the private respondents are represented by their respective Counsels.
3. By filing the instant writ petition the writ petitioner has prayed for issuance of the appropriate writ/writs against the respondents/authorities more specifically against the respondent no. 2/authority commanding him to remove the unauthorized encroachment as allegedly made by the private respondents in front of the land of the writ petitioner.
4. At the time of hearing Mr. Maitra, learned Advocate appearing on behalf of the writ petitioner draws attention of this Court to page no. 13 of the instant writ petition being a copy of the Record of Right in respect of LR Plot no. 1072 in the name of the writ petitioner in Mouza – Kushkari, District – Dakshin Dinajpur. It is submitted by Mr. Maitra that it is the grievance of the

writ petitioner that the private respondents while encroaching the PWD land has raised illegal construction thereby causing obstruction to the free egress and ingress to the land of the writ petitioner.

5. It is submitted that despite submission of representation a copy of which has been annexed at page no. 15 of the instant writ petition nothing has been done by the respondent no. 2/authority. It is thus submitted by Mr. Maitra that appropriate relief/reliefs may be granted to the writ petitioner in terms of the prayer as made in the instant writ petition.
6. Per contra, Mr. Bhattacharyya, learned Advocate appearing on behalf of the private respondents submits before this Court that the allegation as made out in the instant writ petition are contrary to the truth.
7. In course of his submission Mr. Bandopadhyay, learned Senior Government Advocate appearing on behalf of the respondents/State and its instrumentalities has submitted a memo dated 30.07.2025 as prepared by the respondent no. 2/authority. The said memo dated 30.07.2025 is taken on record.
8. Mr. Bandopadhyay submits before this Court that from the annexure to the said memo dated 30.07.2025 it would reveal that under cover of a separate memo dated 29.07.2025 the respondent no. 2/authority requested the jurisdictional SDL&LRO to prepare a demarcation report in respect of LR Plot no. 1072.

9. Such being the position, this Court while disposing the instant writ petition directs the jurisdictional BL&LRO to prepare a demarcation report as called for by the respondent no 2 vide memo dated 29.07.2025 after making a field verification securing the presence of the writ petitioner and the private respondents and to submit such report to the respondent no. 2/authority within 30 working days from the date of communication of the server copy of this order.
10. The respondent no. 2/authority on receipt of such demarcation report shall cause service of notices upon the writ petitioner and the private respondents and shall serve them copies of the demarcation report as would be prepared by the jurisdictional BL&LRO.
11. The respondent no. 2/authority is further directed to consider the representation dated 13.05.2025 in accordance with law and in the light of the demarcation report as would be submitted by the jurisdictional BL&LRO and after giving a chance of hearing both to the writ petitioner and the private respondents and/or their authorized representatives shall pass a reasoned order and shall forthwith communicate the same both to the writ petitioner and the private respondents preferably by email, if the email details of the writ petitioner and the private respondents are furnished to him at the time of hearing.
12. The entire exercise as indicated in the foregoing paragraph is to be completed by the respondent no. 2/authority within 120 working days from the date of

receipt of the demarcation report from the jurisdictional BL&LRO.

13. The time limits as fixed by this Court are mandatory and peremptory.
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. 2/authority as well as to the jurisdictional BL&LRO.
15. The respondent no. 2/authority as well as the jurisdictional BL&LRO are directed to act on the server copy of this order.
16. Before parting with, it is further directed that in the event while passing the reasoned order the respondent no. 2/authority finds sufficient merit in the representation of the writ petitioner, he shall forthwith initiate a proceeding under Section 10 of the West Bengal High Ways Act, 1964 for removal of the encroachment, if there be any.
17. With the aforementioned observation, the instant writ petition is disposed of.
18. 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.)