

D/L 6
05.08.2025
Court. No. 19
pp

WPA 18358 of 2024

**Nimai Chandra Adhikari
Vs.
The State of West Bengal & Ors.**

*Ms. Monika Kalra,
Mr. Debarshi Das,
Ms. Prerana Vishwas,
Mr. Shantam Gulati,
Mr. Saswata Tripathi*

...for the petitioner.

*Ms. Sipra Mazumder,
Ms. Prativa Ghatak*

...for the State Respondents

1. The two number affidavits-of-service as filed in Court today on behalf of the writ petitioner are taken on record.
2. None appears on behalf of the private respondents despite service.
3. The writ petitioner and the State respondents and its instrumentalities are represented by their respective counsels.
4. By filing the instant writ petition, the writ petitioner has prayed for issuance of appropriate writ or writs against the respondent authorities, more specifically against the respondent no.4/authority commanding him to take appropriate steps for removal of the piles of stone chips, bricks, sand, etc. as allegedly kept by the private respondents as well as for demolition of the alleged illegal construction made by the private respondents over the Public Works (Roads) Department's land which is situated in front of the writ petitioner's property.

5. At the time of hearing, Mr. Das, learned advocate appearing on behalf of the writ petitioner at the very outset draws attention of this Court to paragraph 5(a) of the instant writ petition. It is submitted that it is the specific case of the writ petitioner that the writ petitioner is the absolute owner of the property, particulars of which have been mentioned in paragraph 5(a) of the instant writ petition. It is submitted further that it is the further specific case of the writ petitioner that the writ petitioner's said property is situated at a distance of about 100 feet from the eastern side of Bagnan-Amta Road and for the purpose of approaching the writ petitioner's land, the writ petitioner uses a strip of land belonging to the respondent no.2/authority.
6. It is further case of the writ petitioner that for smooth access of the writ petitioner's land, the writ petitioner approached the respondent authorities and pursuant to such approach a notarial agreement dated 22.06.2010 was executed by and between the respondent no.3/authority and the writ petitioner, whereby and whereunder licence was granted in favour of the writ petitioner for construction of masonry culvert and/or approach road measuring about 26.23 metre x 3.60 metre.
7. Drawing attention to page 36 of the instant writ petition, it is submitted that for obtaining such licence, the writ petitioner has deposited licence fees on 22.02.2010.
8. It is further submitted on behalf of the writ petitioner that on account of illegal encroachment over the PWD

road by the private respondents the writ petitioner is unable to carry out the construction of the said culvert and/or approach road and further the said illegal encroachment as made by the private respondents causes a hindrance to the free ingress and egress to the writ petitioner's land. It is thus submitted on behalf of the writ petitioner that appropriate relief and/or reliefs may be granted to the writ petitioner in terms of the prayers made in the instant writ petition.

9. *Per contra*, Ms. Ghatak, learned advocate appearing on behalf of the respondents/State and its instrumentalities draws the attention of this Court to page 68 of the instant writ petition, being a copy of the memo dated 10.04.2023, as issued by the respondent no.4/authority addressed to the respondent no.6/authority requesting him to make a demarcation.
10. Drawing attention to page nos. 76 to 78 of the instant writ petition, it is further submitted on behalf of the State that on the basis of such demarcation report the respondent no.4/authority came to a factual finding recording absence of any unauthorized construction over the PWD roads by the private respondents as alleged by the writ petitioner.
11. Ms. Ghatak, learned advocate, in course of her submission, further, contended that the said licence has already been expired.
12. It is thus submitted by the learned advocate for the writ petitioner that in absence of any contrary material, there is hardly any scope to interfere with such finding dated

13.07.2023 and the writ petitioner is thus not entitled to any relief as prayed for.

13. On careful consideration of the entire materials as placed before this Court and after hearing the learned advocates for the contending parties, it reveals that in an earlier round of litigation similar allegation was made by the writ petitioner against the private respondents.
14. On conjoint perusal of the copy of the memo dated 10.04.2023 and the reasoned order dated 13.07.2023, it reveals that the respondent no.4/authority on the basis of a demarcation report of the jurisdictional B.L. & L.R.O. and after hearing all stakeholders, the respondent No.4 authority came to a factual finding that there was no unauthorized construction over the Public Works (Roads) Department's land at the instance of the private respondents, though it is contended on behalf of the writ petitioner that such finding is not correct.
15. However, in order to substantiate the same, no material could be placed before this Court for interfering with the reasoned order dated 13.07.2023 as passed by the respondent no.4/authority by this writ Court sitting in a judicial review, especially when this Court finds no material from the said reasoned order dated 13.07.2023 that the decision making process of the respondent no.4/authority is vitiated either on account of consideration of some extraneous materials or for not consideration of relevant materials as available in the records.

16. In absence of any perversity, this Court thus finds no merit in the instant writ petition.
17. With the aforementioned observation, WPA 18358 of 2024 is dismissed.
18. There shall be, however, no order as to costs.
19. 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.)