

N.22Sl
151/CL

WPA 17425 of 2025

Paramananda Giri

-vs-

The State of West Bengal & Ors.

19.09.2025
SL-22
Ct.19
(S.R.)

Mr. S.P. Pahari
Mr. T. Kr. Mahapatra ... for the petitioner.

Mr. Tapan Kumr Mukherjee, Sr. Adv.
Ms. Sanghamitra Nandy ... for the State.

1. The Affidavit of service as filed today on behalf of the writ petitioner is taken on record.
2. Despite service, none appears on behalf of the private respondents.
3. On behalf of the respondent/State, a report, as submitted by the respondent.7/authority, is filed and the same is taken on record.
4. At the time of hearing, Mr. Pahari, learned advocate assisted by Mr. Mahapatra, learned advocate submits before this Court that it is the specific case of the writ petitioner that the writ petitioner is the absolute owner of the property/properties, particulars of which has been mentioned in paragraph 2 of the instant writ petition.
5. It is submitted that it is the specific case of the writ petitioner that at the northern side of the residential property of the writ petitioner, there is a Nayanjuli situated in Plot No.1155, Mouza – Faridpur, Police Station – Contai, which belongs to PWD. It is

further submitted by Mr. Pahari that it is the grievance of the writ petitioner that the private respondents most illegally raised an illegal pucca construction over the said Nayanjuli causing thereby obstruction to free egress and ingress of the writ petitioner's property.

6. Drawing attention to page no.36 of the instant writ petition, it is submitted by Mr. Pahari that by way of a representation dated 14.07.2025, the writ petitioner ventilated his grievance with the respondent authorities, but in vain. It is, thus, submitted by Mr. Paharai that appropriate relief/reliefs may be granted to the writ petitioner in terms of the prayers as made in the writ petition.
7. Mr. Tapan Mukherjee, learned senior advocate duly assisted by Ms. Sanghamitra Nandy, learned advocate in their usual fairness submits before this Court that the respondent no.5/authority may be directed to consider the representation dated 14.07.2025, in accordance with law.
8. Considering the entire materials as placed before this Court, this Court while disposing the instant writ petitioner directs the respondent no.2/authority to make a field verification at the disputed plot causing prior service of notice upon the writ petitioner and private respondent nos.9 to 11 and shall submit a demarcation report with the

respondent n.5/authority positively within thirty working days from the date of communication of the server copy of this order.

9. The respondent no.5/authority on receipt of such demarcation report from the respondent no.2/authority shall cause service of notice upon the writ petitioner and the private respondent nos.9 to 11 and shall provide them the copies of the demarcation report as would be submitted by the respondent no.2/authority.
10. The respondent no.5/authority further is directed to consider the representation dated 14.07.2025, as submitted by the writ petitioner, in accordance with law, in the light of the aforementioned demarcation report of the respondent no.2/authority and after giving a fair chance of hearing both to the writ petitioner and the private respondents 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 petitioner and private respondents are provided to him at the time of hearing.
11. The entire exercise, as indicated in the foregoing paragraphs, is to be completed by the respondent no. 5/authority within 45 working days from the date of receipt of the demarcation report from the respondent no.2/authority.

12. 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.2 and 5/authorities.
13. The respondent no.2 and 5/authorities are hereby directed to act on the basis of the server copy of this order.
14. The time limit, as fixed by this Court, is mandatory and peremptory.
15. It is further directed that, in the event, while passing the reasoned order, the respondent no.5/authority finds sufficient merits in the representation dated 14.07.2025, as submitted by the writ petitioner, he will forthwith initiate a proceeding under Section 10 of the West Bengal Highways Act, 1964 for removal of the encroachment, if there be any.
16. With the aforementioned observations, **WPA 17425 of 2025** is disposed of.
17. There shall, however, no order as to costs.
18. 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.)