

44. 25.08.2025
Court No.8
(Tanmoy)

WPA (P)/314/2025
SUKUMAR PAL
VS
THE STATE OF WEST BENGAL AND ORS.

Mr. Sarajit Kumar Ghosh
Mr. Raja Ghosh

...for the petitioner.

Mr. Amitabrata Ray, Ld. GP
Mr. Nilotpal Chatterjee
Mr. Amrita Lal Chatterjee

...for the State.

Mr. Suman Basu

...for the respondent no.7.

Dictated by Smita Das De, J.

1. Learned Counsel for the petitioner and the respective respondents are present.
2. The instant writ petition has been filed in the nature of a Public Interest Litigation (PIL), praying for the following reliefs:-

“a) A writ of in the nature of mandamus directing the respondents and their men, agents or servants to restore the said Seven (07) feet wide connecting Public Road to the Diara Station Road in its original nature and position by removing the said Submersible Pump which is using by the Private Respondents;

b) A writ of in the nature of mandamus directing the concerned authorities of the respondents and their men, agents & servants to stop use of the said Submersible Pump by the Private Respondents by disconnecting the same which is installed and situated on the said Seven (07) feet wide connecting Public Road to the Diara Station Road;

c) A of in the nature of mandamus directing the respondents and their men, agents or servants to remove all encroachment of the said Private

Respondents on the said Seven (07) feet wide connecting Public Road to the Diara Station Road immediately;

d) A writ of in the nature of mandamus directing the respondents and their men, agents or servants for making the concrete of the rest portion of the said Seven (07) feet wide connecting Public Road to the Diara Station Road immediately by removing the said Submersible Pump and other encroachment of the Private Respondents;

e) A writ of in the nature of certiorari commending the Respondents to certify and transmit all the relevant records before this Hon'ble Court so that concible justice may be rendered to the parties;

f) Rule NISI in terms of prayer (a) and (e) above;

g) An interim order directing the respondents and their men, agents or servants to restore the said Seven (07) feet wide connecting Public Road to the Diara Station Road in its original nature and position by removing the said Submersible Pump of the Private Respondents immediately;

h) An interim order directing the respondents and their men, agents or servants for making the concrete of the rest portion of the said Seven (07) feet wide connecting Public Road to the Diara Station Road immediately by removing the said Submersible Pump and other encroachment of the Private Respondents; ...”

3. The main grievance of the petitioner is with regard to the installation of a submersible pump by the private respondents for their own use encroaching on the public road. Mass representations against such illegal installation of the submersible pump on the public road in question were submitted before the Authority concerned for taking appropriate action by restoring the said public road in its original nature and position by removing the submersible pump as installed by the private respondents. But till date, the same has remained unanswered and unconsidered.

4. Hence this writ petition (PIL).

5. Having heard the parties, the petitioner is directed to submit a fresh comprehensive representation before the respondent no.6 within a fortnight from the date of communication of this order, indicating the details of the submersible pump on the public road in question. Upon receipt of such representation, the respondent no.6 shall pass a reasoned order in accordance with law by affording opportunity of hearing to the interested parties preferably within a period of sixty (60) days and thereafter communicate the same to the interested parties accordingly.

6. The PIL is disposed of without expressing any opinion on the merits of the case.

7. Urgent photostat certified copy of this order, if applied for, be made available to the parties upon compliance with all requisite formalities.

(Smita Das De, J.)

(Sujoy Paul, J.)