

N.22Sl
151/CL

WPA 18030 of 2025

Sultana Parvin

-vs-

The State of West Bengal & Ors.

27.08.2025
SL-08
Ct.19
(S.R.)

Mr. Debjit Mukherjee
Mr. Kaustav Bhattacharya
Ms. Priyanka Jana ... for the petitioner.

Mr. Biplab Majumder ... for the State.

1. Affidavit of service and the receipt copy of notice dated 26th August, 2025 as filed today on behalf of the writ petitioner are taken on record.
2. None appears on behalf of the private respondent despite service.
3. On behalf of the respondent/State, a report dated 18th August, 2025 as prepared by the respondent no.7/authority is filed and the same is taken on record.
4. By filing the instant writ petition, the writ petitioner has prayed for issuance of appropriate writ/writs against the respondent authorities, more particularly, against the respondent no.6/authority commanding him to take appropriate steps in terms of the representation dated 12th June, 2025 as submitted by the writ petitioner, a copy of which has been annexed at page nos.18 to 21 of the instant writ petition.

5. At the time of hearing, Mr. Mukherjee, learned advocate appearing on behalf of the writ petitioner at the very outset draws attention of this Court to page no.11 of the instant writ petition being a print out of the live data in respect of various plot numbers including the plot nos.466 and 468/940 in Mouza – Sankarhati, Block – Jagatballavpur, District – Howrah.
6. It is submitted by Mr. Mukherjee that it is the specific case of the writ petitioner that the private respondent no.9 has encroached aforementioned plot no.468/940, which is a government land and which is recorded in Khatian No.1 in such a fashion that causes extreme inconvenience to the easy egress and ingress to the writ petitioner's property.
7. At this juncture, Mr. Mukherjee took me to page no.27 of the instant writ petition being a copy of the memo dated 18th June, 2025 as issued by the respondent no.6/authority addressed to the respondent no.7/authority requesting him to submit a demarcation report.
8. It is, thus, submitted by Mr. Mukherjee that since no report has been submitted by the respondent no.7/authority, the private respondent no.9 taking advantage of the same is still making construction over the said encroached portion causing much more inconvenience to the writ petitioner to get easy

access to the property of the writ petitioner.

9. Per contra, Mr. Majumder, learned advocate appearing on behalf of the respondent/State draws attention of this Court to the various papers as submitted along with the report dated 18th August, 2025. It is submitted by Mr. Majumder that from Annexure-E to the report dated 18th August, 2025, as submitted today, it would reveal that the jurisdictional Block Land & Land Reforms Officer under cover of a memo dated 12th June, 2025 intimated the jurisdictional BMOH that in LR Plot No.468/940 more or less 3.5 feet land was found to be encroached.
10. It is further submitted on behalf of the respondent/State that at the time of inspection by the Revenue Inspector of the office of the jurisdictional Block Land & Land Reforms Officer, however, no PWD official was present and, accordingly, an arrangement for joint demarcation programme has been made and the same was scheduled to be held on 20th August, 2025. It is further submitted by Mr. Majumder that at present he is not aware of the outcome of the said joint demarcation programme.
11. On careful consideration of the entire materials as placed before this Court, this Court while disposing the instant writ petition directs the respondent

no.7/authority to conclude the joint demarcation programme positively by the fifteenth day of September, 2025, if not, completed in the meantime and to file demarcation report with the respondent no.6/authority positively within 22nd September, 2025.

12. The respondent no.6/authority on receipt of such demarcation report from the respondent no.7/authority shall cause service of notice upon the writ petitioner and the private respondent and shall provide them copies of the demarcation report as would be submitted by the respondent no.7/authority.
13. The respondent no.6/authority is further directed to consider the representation of the writ petitioner dated 12th June, 2025 in the light of the said demarcation report as all as in accordance with law and after giving an opportunity of hearing both to the writ petitioner and the private respondent and/or their authorized representatives shall pass a reasoned order and shall forthwith communicate the same both to the writ petitioner and the private respondent preferably through mail, if the Email details of the writ petitioner is provided to him at the time of hearing.
14. The entire exercise as indicated hereinabove is to be completed by the respondent no.6/authority within

the last day of November 2025.

15. The time limits as fixed by this Court are mandatory and peremptory.
16. Liberty is given to the learned advocate-on-record for the petitioner to communicate the server copy of this order to the respondent nos.6 and 7/authorities for their immediate compliance. The respondent nos.6 and 7 authorities are directed to act on the basis of the server copy of this order.
17. Considering the urgency as pleaded on behalf of the writ petitioner and also considering the fact that, in the event, any further construction is allowed to be continued over the said LR plot No.468/940 in Mouza – Sankarhati, Block – Jagatballavpur that would lead to multiplicity of suits and proceedings, let there be an order of injunction over any construction either by the private respondent no.9 and/or by any other person till passing of the reasoned order by the respondent no.6/authority.
18. The respondent nos.2 and 8/authorities are hereby directed to ensure that the order of injunction as passed by this Court is complied with in letter and spirit.
19. Further liberty is given to the learned advocate-on-record for the petitioner to communicate the server copy of this order to the respondent nos.2 and 8/authorities forthwith.

20. The respondent nos.2 and 8 are also directed to act on the basis of the server copy of this order.
21. It is further directed that while passing the reasoned order, in the event, the respondent no.6/authority finds sufficient merit in the representation dated 12th June, 2025 as submitted by the writ petitioner, the respondent no.6/authority shall forthwith initiate a proceeding under Section 10 of the West Bengal Highways Act, 1964 for removal of encroachment, if there be any.
22. With the aforementioned observations, WPA 18030 of 2025 is disposed of.
23. There shall, however, be no order as to costs.
24. Urgent Photostat certified copy of the order if applied for, be made over to the parties as expeditiously as possible.

(Partha Sarathi Sen, J.)