

S/L 14
22.09.2025
Court. No. 19
Suvayan

WPA 18350 of 2025

Sri Ganesh Parui
Vs.
The State of West Bengal & Ors.

Ms. Paulomi Ghosh
Ms. Afsana Khatun

...for the petitioner.

Mr. Biswabrata Basu Mallick, AGP
Ms. Parna Roychowdhury

...for the State.

Mr. Raju Das
Mr. S. K Kundu

...for the respondent nos. 6, 7 & 8.

1. Leave is granted to the learned Advocate-on-Record for the writ petitioner to add the Assistant Engineer of Falta, E.P.Z. Highway Sub-Division, P.W. (Roads) Directorate, South 24 Parganas as party respondent no. 4(a) and BL&LRO, Falta as party respondent no. 9 by making necessary insertions in the cause title of the instant writ petition positively in course of this day in Court.
2. On behalf of the respondents/State Mr. Basu Mallick has submitted a report dated 25.08.2025 as submitted by the I.C., Falta P.S. and the same is taken on record.
3. By filing the instant writ petition, the writ petitioner has prayed for issuance of appropriate writ/writs against the respondents/authorities more specifically against the added respondent no. 4(a) for removal of the encroachment as allegedly made by the respondent no 6 to 8 over the PWD land which is situated in front of the writ petitioner's property particulars of which has been

mentioned in paragraph no. 3 of the instant writ petition.

4. It is submitted by Ms. Ghosh, learned Advocate appearing on behalf of the writ petitioner that on account of illegal construction at the instance of the private respondent nos. 6 to 8 the egress and ingress of the writ petitioner to his property, particulars of which has been mentioned in the paragraph no. 3 of the instant writ petition has been hampered like anything.
5. It is thus submitted by Ms. Ghosh that appropriate relief/reliefs may be granted to the writ petitioner in accordance with law.
6. Such contention is, however, opposed by Mr. Kundu, learned Advocate for the private respondents by saying that in absence of any material to substantiate the grievance, the instant writ petition may be dismissed.
7. Mr. Basu Mallick, learned AGP appearing on behalf of the respondents/State in his usual fairness submits before this Court that the added respondent no. 4(a) may be directed to consider the representation of the writ petitioner in accordance with law.
8. On careful perusal of the entire materials as placed before this Court and after hearing the learned Advocates for the contending parties, this Court while disposing the instant writ petition directs the jurisdictional BL&LRO, Falta, South 24 Parganas, the respondent no. 9 herein to make a filed verification at the disputed plot after securing prior service of notice upon the writ petitioner and the private respondent nos.

6 to 8 and thereafter he shall submit a demarcation report and/or field verification report with the added respondent no. 4(a) within 30 working days from the date of communication of server copy of this order.

9. The added respondent no. 9/authority on receipt of the field verification report and/or demarcation report from the BL&LRO, Falta shall cause notice upon the writ petitioner and the private respondent nos. 6 to 8 and shall provide them copies of the said demarcation report.
10. The added respondent no. 4(a) is further directed to consider a copy of the instant writ petition as a representation of the writ petitioner and shall pass a reasoned order in the light of the demarcation report as would be submitted by the BL&LRO, Falta after giving a fair chance of hearing both the writ petitioner and the private respondent nos. 6 to 8 and/or their authorized representatives and shall forthwith communicate the said reasoned order to the writ petitioner and the private respondent nos. 6 to 8 preferably by email, if the email details of the writ petitioner and private respondent nos. 6 to 8 are provided to him at the time of hearing.
11. The entire exercise as indicated in the foregoing paragraph is to be completed within 45 working days from the date of receipt of the demarcation report from the BL&LRO, Falta.
12. The time limits as fixed by this Court are mandatory and peremptory.

13. Liberty is given to the learned Advocate-on-Record for the writ petitioner to communicate the server copies of this order together with copies of the instant writ petition along with all annexures to the BL&LRO, Falta and the added respondent no. 9/authority forthwith.
14. The BL&LRO, Falta and the added respondent no. 4(a)/authority are hereby directed to act on the server copy of this order.
15. With the aforementioned observation, the instant writ petition being WPA 18350 of 2025 is disposed of.
16. Before parting with, it is further made clear that in the event while passing the reasoned order the added respondent no. 4(a) finds sufficient merit in the representation of the writ petitioner he shall forthwith initiate a proceeding under Section 10 of the West Bengal Highways Act, 1964 for removal of the encroachment, if there be any.
17. 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.)