

S/L 78
23.06.2025
Court. No. 19
Suwayan

WPA 19286 of 2024

Sagar Chandra Mondal
Vs.
The State of West Bengal & Ors.

Mr. Partha Sarathi Das
Ms. Shanta Sarkar
Ms. Purnima Panda

...for the petitioner.

Mr. Nabhajit Prasad Basu
Mr. Biswajit Das

...for the State.

1. The affidavit-of-service as filed on behalf of the writ petitioner is taken on record. None appears on behalf of the private respondents despite service.
2. At this stage, learned Advocate for the respondents/State has filed a report dated 05.08.2024 as prepared by the Executive Engineer-II, Purulia Division, PWD.
3. On careful consideration of the entire materials as placed before this Court and after hearing the learned Advocates for the contending parties it appears that it is the case of the writ petitioner that the private respondents have made an illegal construction over the PWD road causing blockage to the free egress and ingress of the writ petitioner to his own property.
4. At this juncture, if I look to the report dated 05.08.2024 as submitted by the said Executive Engineer it would reveal that on receipt of a complaint from the writ petitioner the jurisdictional Assistant Engineer, PWD requested the jurisdictional

BL&LRO for making a demarcation and on receipt of such demarcation report from the jurisdictional BL&LRO it has been noticed by the Assistant Engineer, Raghunathpur Sub-Division, PWD that a portion of the PWD land was encroached and accordingly a notice under Section 10 (1) of the West Bengal Highways Act, 1964 (hereinafter referred to as the said Act of 1964) was served upon the encroachers for removal of the encroachment and on the failure of the encroacher(s) to remove such encroachment the jurisdictional SDO i.e. the respondent no. 6/authority has already initiated proceeding under Section 10 (3) of the said Act of 1964 in the meantime.

5. Such being the position, this Court while disposing the instant writ petition directs the respondent no. 6/authority to conclude the proceeding under Section 10 (3) of the said Act of 1964 within 60 working days from the day of communication of the server copy of this order after securing service of notices upon all concerned. The respondent no. 6 is directed to dispose of the said proceeding under Section 10 (3) of the said Act of 1964 by passing a reasoned order after giving due opportunity of hearing also to all concerned and/or their authorized representative and thereafter to communicate such reasoned order to all concerned including the writ petitioner preferably by mail, if the mail details of the writ petitioner and the other stake holders to such proceeding are provided to him at the time of hearing.

6. The time limit as fixed by this Court is mandatory and peremptory.
7. Liberty is given to the learned advocate for the writ petitioner to communicate the server copy of this order to the respondent no. 6/authority.
8. The respondent no. 6/authority is directed to act on the server copy of this order.
9. With the aforementioned observations, the instant writ petition being WPA 19286 of 2024 is disposed of.
10. Urgent Xerox certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Partha Sarathi Sen, J.)