

S/L 15
22.09.2025
Court. No. 19
Suvayan

WPA 19006 of 2025

**Sumit Mukherjee
Vs.
The State of West Bengal & Ors.**

*Ms. Paulomi Ghosh
Ms. Afsana Khatun*

...for the petitioner.

*Mr. Biswabrata Basu Mallick, AGP
Ms. Parna Roychowdhury
Ms. Sujata Mukherjee*

...for the State.

1. The learned Legal Remembrancer, Government of West Bengal is hereby requested to regularize the appointment of Mr. Basu Mallick, learned AGP who has appeared before this Court as per request made by me.
2. Department is directed to forward a copy of this order to the Chamber of the learned Legal Remembrancer, Government of West Bengal, Writers' Building, 1st Floor, Kolkata – 700001 for his information and compliance.
3. At the very outset it is pertinent to mention herein that on the last occasion Mr. Basu Mallick, learned AGP has submitted a report dated 16.09.2025 wherefrom it reveals that the Assistant Engineer, Joynagar Sub-Division, P.W.D. Directorate requested the BL&LRO, Mathurapur-II, South 24 Parganas to submit a demarcation report in connection with the subject matter as involved in the instant writ petition.
4. Let the report as submitted by Mr. Basu Mallick be taken on record.
5. Ms. Ghosh, learned Advocate appearing on behalf of the writ petitioner candidly submits before this Court that

on account of *bona fide* mistake she has not made the Assistant Engineer, Joynagar Sub-Division, P.W.D. Directorate and BL&LRO, Mathurapur-II, South 24 Parganas as parties.

6. In view of such, liberty is given to Ms. Ghosh, learned Advocate for the writ petitioner to add the said Assistant Engineer, Joynagar Sub-Division and the said BL&LRO, Mathurapur-II as party respondent nos. 9 and 10. Necessary insertions in this regard are to be made in the cause title positively in course of this day in Court today.
7. The affidavit-of-service as filed today on behalf of the writ petitioner is taken on record.
8. Despite service none appears on behalf of the private respondents.
9. On careful perusal of the entire materials as placed before this Court it reveals that it is the grievance of the writ petitioner that the private respondents have made some illegal encroachment over the PWD land in front of the land of the writ petitioner particulars of which has been mentioned in paragraph no. 2 of the instant writ petition.
10. It is submitted by Ms. Ghosh that it is the grievance of the writ petitioner that on account of such encroachment the writ petitioner is facing difficulties in getting free access of his property.
11. It is thus submitted by Ms. Ghosh that appropriate relief/reliefs may be granted to the writ petitioner in accordance with the prayers made in the instant writ petition.

12. 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. 10 may be directed to consider the representation of the writ petitioner dated 03.07.2025 in accordance with law.
13. In view of the aforementioned submissions as made from the Bar, this Court while disposing the instant writ petition directs the respondent no. 9/authority that is the BL&LRO, Mathurapur-II, South 24 Parganas to cause field verification at the disputed plot after securing prior service of notices upon the writ petitioner and the private respondents and shall submit a demarcation report and/or field verification report with the added respondent no. 10/authority i.e., the Assistant Engineer, Joynagar Sub-Division, PWD Directorate within 30 working days from the date of communication of the server copy of this order.
14. The added respondent no. 10/authority on receipt of such demarcation report from the added respondent no. 9/authority shall cause service of notice upon the writ petitioner and the private respondents and shall provide them copies of the demarcation notice.
15. The added respondent no. 10/authority is further directed to consider a copy of the instant writ petition as a representation of the writ petitioner and after giving a fair chance of hearing both to the writ petitioner and the private respondents and/or their authorized representatives shall pass a reasoned order on the representation of the writ petitioner in the light of the

demarcation report as would be submitted by the jurisdictional BL&LRO that is the added respondent no. 9 herein within 45 working days from the date of communication of the server copy of this order.

16. The time limits as fixed by this Court are mandatory and peremptory.
17. 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 added respondent nos. 9 and 10/authorities forthwith.
18. The added respondent nos. 9 and 10/authorities are hereby directed to act on the server copy of this order.
19. With the aforementioned observation, the instant writ petition being WPA 19006 of 2025 is disposed of.
20. Before parting with, it is further made clear that in the event while passing the reasoned order the added respondent no. 9 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.
21. 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.)