

S/L 28
18.09.2025
Court. No. 19
Sourav

WPA 20049 of 2025

**Gokul Chandra Chowdhury
Vs.
The State of West Bengal & Ors.**

*Mr. Rajib Kumar Acharyya
Mr. Banshi Badan Maity
Mr. Goutam Malik*

...for the petitioner.

Mr. Mridul Kanti Sasmal

...for the respondent nos. 9 to 21.

*Mr. Dwarika Nath Mukherjee
Mr. Manik Lal De*

...for the State.

1. The affidavit-of-service as filed today on behalf of the writ petitioner is taken on record.
2. The writ petitioner, the respondent/State and its instrumentalities and the private respondents are represented by their respective learned advocates.
3. At the time of hearing, Mr. Acharyya, learned advocate appearing on behalf of the writ petitioner has also filed a copy of memo dated 22.08.2025 as written by the respondent no. 6/authority addressed to the respondent no. 7/authority requesting him to make joint visit and demarcation at the disputed plot. The copy of the said memo dated 22.08.2025 is also taken on record.
4. On careful perusal of the entire materials as placed before this Court and after hearing the learned advocates for the contending parties, it reveals that it is the case of the writ petitioner that he is the owner of the property being L.R. Plot Nos. 1150, 1151 under Mouza- Hatishal, J.L. No. 51, Block – Panskura – I, District –

Purba Medinipur which is adjacent to Ghatal-Panskura State Highway.

5. It is the grievance of the writ petitioner that the private respondents have encroached a portion of the P.W.D. land in such a manner which causes obstruction to the egress and ingress of the writ petitioner's aforementioned property. It is submitted by Mr. Acharyya that the grievance of the writ petitioner was communicated to the respondent no. 6/authority by way of a written representation dated 04.07.2025, a copy of which has been annexed at Page No. 16 of the instant writ petition but in vain.
6. Such contention is, however, opposed by Mr. Sasmal, learned advocate appearing on behalf of the private respondents by saying that the private respondents are lawfully carrying on business over the plot of land in question and they possess their respective trade licence for carrying on their business as have been issued by the local authority.
7. Mr. Mukherjee, learned advocate appearing on behalf of the respondent/State in his usual fairness submits before this Court that the respondent no. 6/authority may be directed to consider the representation of the writ petitioner dated 04.07.2025 in accordance with law.
8. It is pertinent to mention herein that on receipt of the representation dated 04.07.2025, the respondent no. 6/authority under cover of his memo dated 22.08.2025 requested the respondent no. 7/authority to make a

joint visit and to submit a demarcation report before him.

9. In view of such, this Court while disposing the instant writ petition directs the respondent no. 7/authority to make a joint visit, if not done in the meantime, after securing prior service of notice upon the writ petitioner and the private respondents herein and soon thereafter, he shall submit his demarcation report with the respondent no. 6/authority within 30 working days from the date of communication of the server copy of this order.
10. The respondent no. 6/authority on receipt of such demarcation report as would be submitted by the respondent no. 7/authority shall cause service of notice upon the writ petitioner and the private respondents and shall provide them the copies of the said demarcation report as would be submitted by the respondent no. 7/authority.
11. The respondent no. 6/authority is further directed to consider the representation dated 04.07.2025 as submitted by the writ petitioner in accordance with law and after giving due chance of hearing both to the writ petitioner and to the private respondents and/or their authorized representatives shall pass a reasoned order and shall forthwith communicate the same both to the writ petitioner and the private respondents preferably by email, if the email details of the writ petitioner and the private respondents are provided to him at the time of hearing.

12. The entire exercise as indicated hereinabove is to be completed within 60 working days from the date of receipt of the demarcation report from the respondent no. 7/authority.
13. Liberty is given to the learned advocate on record for the writ petitioner to communicate the server copies of this order to the respondent no. 6 and 7/authorities forthwith.
14. The respondent no. 6 and 7/authorities are hereby directed to act on the basis of the server copy of this order.
15. The time limit as fixed by this Court is mandatory and peremptory.
16. With the aforementioned observations, the instant writ petition being **WPA 20049 of 2025** is disposed of.
17. Before parting with, it is, however, made clear that in the event while passing the reasoned order, the respondent no. 6/authority finds sufficient merit in the representation dated 04.07.2025 as submitted by the writ petitioner, he shall forthwith initiate a proceeding under Section 10 of the West Bengal Highways Act, 1964 for removal of encroachment, if there be any.
18. 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.)