

S/L 6
25.09.2025
Court. No. 19
Sourav

WPA 19901 of 2025

**Nizam Ali
Vs.
The State of West Bengal & Ors.**

Mr. Hamidur Rahaman

...for the petitioner.

Mr. Jayanta Samanta, Ld. Jr. Govt. Adv.

Ms. Indumouli Banerjee

...for the State.

Ms. Manali Biswas

Mr. Atanu Biswas

Mr. Mrinal Saha

...for the respondent nos. 9 to 12.

1. The affidavit-of-service as filed 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. On behalf of the private respondents, an accommodation has been prayed for.
4. Prayer for accommodation is considered and rejected.
5. 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 respondent no. 3/authority commanding him to remove the illegal construction as made by the private respondents in front of the writ petitioner's property, particulars of which have been mentioned in paragraph no. 2 of the instant writ petition.
6. At the time of hearing, Mr. Rahaman, learned advocate appearing on behalf of the writ petitioner at the very

outset draws attention of this Court to Page Nos. 49 and 50 of the instant writ petition, being a copy of the representation dated 05.08.2025 as submitted by the writ petitioner with the respondents/authorities. It is submitted that it is the grievance of the writ petitioner that despite submission of such representation, the respondents/authorities have done nothing and practically sitting idle over the matter.

7. Mr. Samanta, learned advocate appearing on behalf of the respondent/State in his usual fairness submits before this Court that the respondent no. 3/authority may be directed to consider the representation dated 05.08.2025 in accordance with law.
8. The prayer of the writ petitioner is vehemently opposed by Ms. Biswas, learned advocate appearing on behalf of the private respondents. It is argued that in absence of any cogent material, there cannot be any justification to pass any favourable order in favour of the writ petitioner.
9. In view of the chronology of events as discussed in the foregoing paragraphs, this Court while disposing the instant writ petition directs the respondent no. 8/authority to make a field verification after prior service of notice upon the writ petitioner and the private respondents and shall submit a field verification report and/or demarcation report with the respondent no. 3/authority positively within 30 working days from the date of communication of the server copy of this order.

10. The respondent no. 3/authority on receipt of the said field verification report and/or demarcation report from the respondent no. 8/authority shall cause service of notice upon the writ petitioner and the private respondents and shall provide them copies of demarcation report as would be submitted by the respondent no. 8/authority.
11. The respondent no. 3/authority is further directed to give fair chance of hearing both to the writ petitioner and the private respondents and/or their authorized representatives and, thereafter shall pass a reasoned order on the representation dated 05.08.2025 as submitted by the writ petitioner in accordance with law in the light of the demarcation report as would be submitted by the respondent no. 8/authority.
12. The entire exercise as indicated in the foregoing paragraphs shall have to be done by the respondent no. 3/authority within 60 working days from the receipt of the demarcation report from the respondent no. 8/authority.
13. The time limits as fixed by this Court are mandatory and peremptory.
14. Liberty is given to the learned advocate on record for the writ petitioner to communicate the server copy of this order to the respondent nos. 3 and 8/authorities forthwith.
15. The respondent no. 3 and 8/authorities are hereby directed to act on the basis of the server copy of this order.

16. Before parting with, it is, however, made clear that while passing the reasoned order, in the event, the respondent no. 3/authority finds sufficient justification in the representation dated 05.08.2025 as submitted by the writ petitioner, he shall forthwith initiate a proceeding under Section 10 of the West Bengal Highways Act, 1964.
17. With the aforementioned observations, the instant writ petition being **WPA 19901 of 2025** is disposed of.
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.)