

Sl No. 15
g.b.
266052

31.10.2025
Ct. No.19

W.P.A. 19906 of 2025

Oliul Islam & Ors.
-Vs.-
The State of West Bengal & Ors.

Mr. Sarbananda Sanyal
Ms. Paulami Chakraborty
Mr. Hamidur Rahaman
Mr. Samrat Chakraborty

...For the Petitioners

Mr. Lalit Mohan Mahata, Ld. AGP
Mr. Prasanta Behari Mahata

....For the State

Mr. Udaynarayan Betal
Mr. Atreya Chakraborty
Mr. Mriganka Patra

....For the Respondent Nos.9 to
12 and 14 to 19

1. Affidavit of service filed on behalf of the writ petitioners is taken on record.
2. At the time of hearing Mr. Sanyal, learned advocate appearing on behalf of the writ petitioners at the very outset draws attention of this court to paragraphs 2 and 3 of the instant writ petition. It is argued that it is the specific

case of the writ petitioners that in front of the writ petitioners' property, the private respondents have raised an illegal construction over the PWD roads causing thereby serious obstruction to the free egress and ingress of the writ petitioners in respect of their property, particulars of which have been mentioned in paragraph 2 of the instant writ petition. It is further submitted that despite submission of a representation, a copy of which has been annexed at pages 15 and 16 of the instant writ petition, no steps have been taken by the respondent authorities.

3. It is thus submitted on behalf of the writ petitioners that appropriate relief/reliefs may be granted to the writ petitioners in terms of the prayers made in the instant writ petition.

4. Mr. Mahata, learned Additional Government Pleader appearing on behalf of the State in his usual fairness submits before this court that the respondent no.5 authority may be directed to take appropriate steps after obtaining demarcation report from the respondent no.6 authority.

5. Such prayer is, however, opposed by Mr. Betal, learned advocate appearing on behalf of the private respondents. It is submitted by Mr. Betal

that in the meantime the private respondents have already approached the jurisdictional District Magistrate/respondent no.2 authority for grant of long term settlement in respect of the alleged encroachment portion of the Government land which is, however, vehemently disputed by Mr. Sanyal by saying that a PWD land cannot be settled by the District Magistrate and as per the provisions of the West Bengal Highways Act, 1964 prior to encroachment, obtaining permission of the PWD authority is required.

6. On careful consideration of the entire materials as placed before this court and after hearing the learned advocates for the contending parties, this court while disposing of the instant writ petition directs the respondent no.6 authority to make a field verification in respect of the disputed plot after causing prior service of notice upon the writ petitioners and the private respondents and shall submit a field verification report and/or demarcation report with the respondent no.5 authority indicating therein as to whether the alleged disputed land is at all PWD land or not and further whether the same has

been encroached by the private respondents and/or any other stake holders.

7. Such report is to be submitted by the respondent no.6 authority with the respondent no.5 authority positively within 30 working days from the date of communication of the server copy of this order.

8. The respondent no.5 authority on receipt of such demarcation report and/or field verification report shall cause service of notice upon the writ petitioners, private respondents and/or any other stake holders.

9. The respondent no.5 authority is further directed to give a fair chance of hearing to the writ petitioners, the private respondents and/or any other stake holders and/or their authorized representatives and shall pass a reasoned order in respect of the representation dated 17.07.25, as submitted by the writ petitioners in the light of the demarcation report of the respondent no.6 authority and forthwith communicate the same to the writ petitioners, the private respondents and/or any other stake holders preferably by e-mails, if the e-mail details of the parties before him are supplied at the time of hearing.

10. The entire exercise, as indicated in the foregoing paragraph, is to be completed by the respondent no.5 authority positively within 45 working days from the date of receipt of the demarcation report from the respondent no.6 authority.

11. The time limits, as fixed by this court, are peremptory and mandatory.

12. Liberty is given to the learned advocate on record to communicate the server copy of the order to the respondent nos. 5 and 6 authorities for their immediate compliance.

13. The respondent nos. 5 and 6 authorities are directed to act on the server copy of this order.

14. Before parting with it is further made clear that in the event while passing the reasoned order the respondent no.5 authority finds sufficient merit in the representation dated 17.07.25, as submitted by the writ petitioners, he shall forthwith initiate a proceeding under Section 10 of the West Bengal Highways Act, 1963.

15. With the aforementioned observations **WPA 19906 of 2025** is **disposed of**.

16. Urgent photostat certified copy of this order, if applied for, be supplied to the parties on

urgent basis after completion of all necessary formalities.

(Partha Sarathi Sen, J.)