

S/L 18
11.09.2025
Court. No. 19
Suvayan

WPA 20358 of 2025

**Rita Samanta
Vs.
The State of West Bengal & Ors.**

*Mr. Sabir Ahmed
Mr. Dhiman Banerjee
Mr. Tasnim Ahmed
Mr. Ezaz Ahmed*

...for the petitioner.

*Mr. Chandi Charan De, AGP
Mr. Anirban Sarkar*

...for the State.

1. The affidavit-of-service as filed today on behalf of the writ petitioner is taken on record.
2. Since it is reported that Mr. Ganguly, learned AGP is indisposed of, this Court requests Mr. De, learned AGP to represent the State/respondents.
3. 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. 4/authority to take appropriate steps for removal of the illegal encroachment as allegedly made by the private respondent no. 7 over a PWD land which is situated in front of the writ petitioner's property, particulars of which has been mentioned in the paragraph no. 3 of the instant writ petition.
4. It is submitted by Mr. Banerjee that it is the specific case of the writ petitioner that on account of such unauthorized construction at the instance of the private respondent no. 7 the writ petitioner is facing difficulty in

getting free access to her own property as mentioned supra.

5. This Court has heard Mr. De, learned AGP for the State.
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 the instant writ petition directs the jurisdictional BL&LRO to make a field verification in respect of the disputed land after serving prior service of notice upon the writ petitioner and the private respondent no. 7 and shall thereafter submit a demarcation report with the respondent no. 4/authority within 30 working days from the date of communication of the server copy of this order.
7. The respondent no. 4/authority on receipt of such demarcation report from the jurisdictional BL&LRO shall cause service of notice upon the writ petitioner and the private respondent no. 7 and shall provide them copies of the demarcation report as mentioned supra. The respondent no. 4/authority shall thereafter give a fair chance of hearing both to the writ petitioner and the private respondent no. 7 and/or their authorized representatives and shall pass a reasoned order over the representation dated 07.08.2025 as submitted by the writ petitioner (a copy of which has been annexed at page no. 43 of the instant writ petition) and shall forthwith communicate the same both to the writ petitioner and the private respondent no. 7 preferably through email, if the email details of the writ petitioner

and the private respondent no. 7 are provided to him at the time of hearing.

8. The entire exercise as indicated in the foregoing paragraph is to be completed by the respondent no. 4/authority within 45 working days from the date of receipt of the demarcation report of the jurisdictional BL&LRO.
9. The time limit as fixed by this Court is mandatory and peremptory.
10. Liberty is given to the learned Advocate-on-Record for the writ petitioner to communicate the server copy of this order to the respondent no. 4/authority as well as to the jurisdictional BL&LRO forthwith.
11. The respondent no. 4/authority and the jurisdictional BL&LRO are hereby directed to act on the server copy of this order.
12. Before parting with it is further made clear that in the event while passing the reasoned order the respondent no. 4 finds sufficient merit in the representation dated 07.08.2025, he shall forthwith initiate proceeding under Section 10 of the West Bengal Highways Act, 1964 for removal of the encroachment, if there be any.
13. Considering the urgency of the situation there shall be an order of injunction against the respondent no. 7 from raising any construction in front of the land of the writ petitioner particulars of which has been mentioned in paragraph no. 3 of the instant writ petition till passing of the reasoned order by the respondent no. 4/authority.

14. Further liberty is given to the learned Advocate-on-Record for the writ petitioner to communicate the server copy of this order to the respondent no. 5 as well as to the Officer-in-Charge of the jurisdictional Police Station for their information and record.
15. The respondent no. 5 and the Officer-in-Charge of the jurisdictional Police Station are directed to ensure that the order as passed by this Court is carried out and/or followed in letter and spirit.
16. With the aforementioned observation, the instant writ petition being WPA 20358 of 2025 is disposed of.
17. 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.)