

M/L 116
31.07.2025
Court. No. 19
Sourav

WPA 21422 of 2024

**Joynal Sk.
Vs.
The State of West Bengal & Ors.**

Mr. Md. Younush Mondal

...for the petitioner.

*Mr. Soumitra Bandyopadhyay, Sr. Govt. Adv.
Mr. Priyabrata Batabyal*

...for the State.

1. The affidavit-of-service as filed in Court today on behalf of the writ petitioner is taken on record.
2. On behalf of the writ petitioner, it is argued that the P.W.D./authority while constructing a road has utilized 7.29 decimal of land of the writ petitioner, particulars of which have been mentioned in paragraph no. 3 of the instant writ petition. It is further submitted on behalf of the writ petitioner that under cover of a letter dated 03.05.2019, learned advocate for the writ petitioner has ventilated the grievance of the writ petitioner with the respondent no. 2/authority, however, the respondent no. 2/authority most unilaterally came to a finding that only 1 decimal of land in plot no. 663/1782 has been utilized by the Executive Engineer, P.W. (Roads), Nadia Highway Division – I.
3. It is further submitted that the respondent no. 2/authority has passed an order dated 18.05.2023 directing the respondent no. 4/authority to restore the unauthorizedly encroached land in its original nature. It is submitted that even such order is not complied with.

4. Per contra, Mr. Batabyal, learned advocate appearing on behalf of the respondent/State submits before this Court that in absence of any material to substantiate that the finding of the respondent no. 2/authority vide its order dated 18.05.2023 is faulty, there is hardly any scope to interfere with it.
5. On careful perusal of the entire materials as placed before this Court and after hearing the learned advocates for the contending parties, it reveals to this Court that on the basis of allegation made by the writ petitioner and in view of the direction of a Division Bench of this Court in FMA 207 of 2022, the respondent no. 2/authority constituted a committee for the purpose of submission of a comprehensive report with all factual details and proper sketch map.
6. It further reveals that after obtaining such report, due opportunity of hearing was given to the writ petitioner and, ultimately, the respondent no. 2/authority found that the respondent no. 4/authority has encroached 0.01 acre of land in Plot No. 663/1782 in Mouza – Arbetai and thus the said respondent no. 2/authority directed the respondent no. 4/authority to restore the unauthorized encroached land in its original nature.
7. As rightly argued by Mr. Batabyal, on behalf of the writ petitioner no cogent material could be placed to substantiate that the finding of the respondent no. 2/authority is either faulty or perverse since the respondent no. 2/authority came to such finding on the basis of a comprehensive report of the committee as

constituted by him and after giving due opportunity of hearing to the writ petitioner.

8. In view of such, this Court while disposing the instant writ petition does not intend to interfere with the order dated 18.05.2023 as passed by the respondent no. 2/authority. This Court, however, directs the respondent no. 4/authority to implement the order dated 18.05.2023 as has been annexed with the instant writ petition at Page Nos. 26 and 27 positively within 90 working days from the date of communication of the server copy of this order, if not complied in the meantime.
9. 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.
10. The respondent no. 4/authority is hereby directed to act on the basis of the server copy of this order.
11. With the aforementioned observations, the instant writ petition being **WPA 21422 of 2024** is disposed of.
12. 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.)