

S/L 6
26.09.2025
Court. No. 19
Suvayan

WPA 22725 of 2025

**Swapan Pandit
Vs.
The State of West Bengal & Ors.**

*Mr. S. P. Dalapati
Mr. Yash Raj Ray
Ms. Sabera Khatun
Ms. Sangeeta Singh*

...for the petitioner.

*Mr. Ayan Banerjee
Mr. Ramchandra Guchhait*

...for the State.

*Mr. Balaram Pandit
Mr. Krishna Deo Das*

...for the respondent nos. 11 to 19.

1. The affidavit-of-service as filed today on behalf of the writ petitioner is taken on record.
2. The writ petitioner, the respondents/State and the private respondents are represented by their respective Counsels.
3. The subject matter of challenge in the instant writ petition is the memo dated 28.08.2025 as issued by the respondent no. 8/authority in the name of the writ petitioner.
4. For effective adjudication of the instant writ petition, this Court proposes to deal with the contents of the memo under challenge in a nutshell. By issuing the said memo under challenge dated 28.08.2025 the respondent no. 8/authority directed the writ petitioner the following:
 - (i) to remove the dumped earthen blockage from the road side drainage (Nayanjuli) at two locations in

L.R. plot no. 208/418, 209 and owners plot no. 207/416 in Mouza – Chak Purusottampur under P.S. – Belda;

and

(ii) to expedite the construction work of the approached road with culvert on the captioned plot as per sanctioned plan.

5. At the time of hearing, Mr. Dalapati, learned Advocate appearing on behalf of the writ petitioner at the very outset draws attention of this Court to page nos. 21 and 24 of the instant writ petition being a copy of the LR RoR and a copy of a memo dated 23.07.2024 from which it would reveal that Bata Plot no. 207/416 stood recorded in the name of one Radha Gobinda Enterprise and subsequently the said Bata Plot was converted from 'jal' to 'karkhana'. It is submitted by Mr. Dalapati that the writ petitioner being the proprietor of the said Radha Gobinda Enterprise thereafter approached the PWD authority for granting permission for construction of an approach road and culvert on the road side Government land being Plot no. L.R. 208/418, 209 and owners Plot no. 207/416 under Mouza – Chak Purusottampur and such permission was granted by the PWD authority under cover a memo dated 22.07.2024 as would be evident from page nos. 25 and 26 of the instant writ petition.
6. It is further submitted by Mr. Dalapati that from page nos. 27 to 42 of the instant writ petition being a copy of the registered deed of license dated 29.10.2024 it would

reveal that the PWD authority upon receipt of the requisite fees has executed a license in favour of the writ petitioner and thereby permitted the writ petitioner to convert the aforementioned culvert and approach road according to the sanctioned plan..

7. It is submitted by Mr. Dalapati that soon thereafter when the writ petitioner made an attempt to initiate the work of construction of the approach road and culvert the writ petitioner was prevented by the private respondents for which the writ petitioner lodged complaint dated 28.02.2025 with the I.C., Belda P.S. that is the respondent no. 10 herein and on account of his inaction the writ petitioner had to approach this Hon'ble Court by filing WPA 6195 of 2025.
8. It is submitted by Mr. Dalapati that from page nos. 47 and 48 of the instant writ petition being a copy of the order dated 10.07.2025 as passed by a co-ordinate Bench of this Court in WPA 6195 of 2025 it would reveal that the said co-ordinate Bench while disposing the said writ petition granted liberty to the writ petitioner to approach the Executive Engineer of the PWD authority for necessary direction upon the police authorities and if any direction is passed by the concerned Executive Engineer or his higher authorities then only the police authorities would act.
9. Drawing attention to page no. 99 of the instant writ petition being a copy of the letter dated 15.07.2025 as written by the writ petitioner addressed to respondent no. 7/authority it is submitted by Mr. Dalapati that

under cover of the said letter dated 15.07.2025 the writ petitioner requested the respondent no. 7/authority to take appropriate steps in order enable the writ petitioner to carry out the civil work as mentioned in the said registered deed of license dated 29.10.2024. It is further submitted that upon receipt of the said letter dated 15.07.2025 the respondent no. 7/authority practically did nothing and made no approach to the jurisdictional S.P or the I.C. and on the contrary the respondent no. 8/authority who is subordinate to respondent no. 7/authority has issued the letter under challenge dated 28.08.2025.

10. It is submitted by Mr. Dalapati that the aforementioned letter under challenge dated 28.08.2025 as issued by the respondent no. 8/authority shows complete apathy on the part of the respondent nos. 7 and 8 to carry out the direction as passed by a co-ordinate Bench of this Court on 10.07.2025 in WPA 6195 of 2025 since no materials have been placed before this Court either the respondent no. 7/authority or the respondent no. 8/authority had at all approached the jurisdictional police authorities to give due protection to the writ petitioner. It is thus submitted by Mr. Dalapati that appropriate relief/reliefs may be granted to the writ petitioner in terms of the prayer made in the instant writ petition.
11. *Per contra*, Mr. Guchhait, learned Advocate duly led by Mr. Banerjee, learned Advocate appearing on behalf of the respondents/State also draws attention of this Court to the copy of the registered deed of license dated

29.10.2024. It is submitted by Mr. Guchhait that in utter violation of the terms and conditions of the said deed of license the writ petitioner has not issued any notice to the Engineer-in-Charge before initiating the proposed civil work. It is further submitted by Mr. Guchhait that in course of inspection it has noticed that the writ petitioner has created earthen blockage on the road side particulars of which has been mentioned in the first paragraph of the notice under challenge dated 28.08.2025.

12. It is thus submitted by Mr. Guchhait that in view of the clear violation on the part of the writ petitioner to abide by the terms and conditions of the said registered deed of license the writ petitioner is not entitled to any relief as prayed for.
13. Mr. Pandit, learned Advocate appearing on behalf of the private respondents also opposes the prayer as made by the writ petitioner. It is argued by him that in absence of any cogent material there cannot be any justification to grant relief to the writ petitioner.
14. It is further submitted on behalf of the private respondents that the private respondents are poor rustic villagers and they have no capacity to raise any obstruction over the alleged action of the writ petitioner.
15. Considering the entire materials as placed before this Court and after hearing the learned Advocates for the contending parties it reveals to this Court that it is undisputed that a registered deed of license dated 29.10.2024 was executed by and between the writ

petitioner and the PWD authority for construction of a culvert and approach road particulars of which has been mentioned in the said deed of license. Materials have been placed before this Court that prior to the execution of the said deed of license the writ petitioner has deposited the requisite fees with the PWD authority.

16. It further appears that sufficient materials have been placed before this Court that the writ petitioner has approached the jurisdictional Inspector-in-Charge that is the respondent no. 10/authority alleging resistance from the private respondents while executing the civil work.
17. It reveals further from the earlier order dated 10.07.2025 as passed by a co-ordinate Bench of this Court in WPA 6195 of 2025 that the said co-ordinate Bench granted liberty to the writ petitioner to approach the PWD authority, in case he was prevented by the private respondents and in such case practically the PWD authority more specifically the respondent no. 7/authority was advised to take up the matter with the police authorities.
18. From the letter dated 15.07.2025 as has been annexed at page no. 99 of the instant writ petition it reveals that the writ petitioner made a complaint with the respondent no. 7/authority to take appropriate steps for carrying on the civil work and in such letter he has expressed that the private respondents are creating obstruction in carrying out the said civil work as per the terms and conditions of the said registered deed of license.

19. From the notice dated 28.08.2025 which is impugned in the instant writ petition this Court finds that the respondent no. 8/authority made no attempt to take up the matter with the local police administration and practically discharge their liability by directing the writ petitioner to expedite the construction work. It thus appears to this Court that the writ petitioner is successful in making out a case for obtaining the relief as prayed for but in a partial manner inasmuch as this Court finds no unjustified approach on the part of the respondent no. 8/authority thereby directing the writ petitioner to remove the blockage from the road side.
20. In view of such, this Court while disposing the instant writ petition directs the writ petitioner to abide by the directions as passed by the respondent no. 8/authority in the first paragraph of the notice under challenge dated 28.08.2025 forthwith.
21. This Court further directs the respondent no. 7/authority to take up the matter with the respondent nos. 9 and 10/authorities forthwith so as to deploy sufficient number of police personnel at the site where the writ petitioner is going to initiate civil work for construction of culvert and the approach road. Such approach is to be made by the Executive Engineer that is the respondent no. 7 herein within 15 working days from the date of communication of the server copy of this order.
22. The respondent nos. 9 and 10/authorities are directed to deploy sufficient numbers of police personnel in order to

enable the writ petitioner to carry out the civil work as per the terms and conditions of the registered deed of license dated 19.10.2024 immediately after receipt of the requisition from the respondent no. 7/authority.

23. The writ petitioner is directed to communicate the respondent nos. 7, 8, 9 and 10 regarding the date of commencement of his civil work at this site.
24. The private respondents are hereby prohibited from raising any obstruction to the writ petitioner in doing the civil work as per the terms conditions of the said deed of license dated 29.10.2024.
25. Before parting with, it is, however, made clear that this order will not permit the writ petitioner to carry out any civil work beyond the terms and conditions of the registered deed of license dated 29.10.2024.
26. 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. 7 to 10 forthwith.
27. The respondent nos. 7 to 10 are hereby directed to act on the server copy of this order.
28. The writ petitioner is further directed to pay the requisite charges for deployment of police personnel, if so demanded by the respondent nos. 9 and 10.
29. With the aforementioned observation, the instant writ petition being WPA 22725 of 2025 is disposed of.
30. 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.)