

21.11.2025
Item No.22
Ct. No.1
PG

W.P.A.(P) 453 of 2025

**Manoranjan Das
Vs.
The State of West Bengal & Ors.**

Mr. Syed Arif Ahmed
Ms. Sudipta Berafor the petitioners

Ms. Sonal Sinha
Mr. Rafikul Islam Sardar
Mr. Sandipan Dasfor the State

Mr. Sujay Bandyopadhyay
Mr. Jagajyoti Das
Mr. Subhamoy Dutta.....for the Respondent Nos.2 & 3

PER PARTHA SARATHI SEN, J:

1. Affidavit-of-Service as filed today on behalf of the writ petitioner is taken on record.
2. The writ petitioner, the respondent/State and respondent nos.2 and 3 i.e. the Medinipur Municipality and its instrumentality are represented by their respective counsel. None appears on behalf of the private respondent no.4 despite service.
3. At the time of hearing, learned advocate appearing on behalf of the writ petitioner, at the very outset, draws attention of this Court to page nos.13 and 14 of the instant writ petition, being a copy of the representation dated 15.05.2025, as submitted by several persons of the locality with the respondent no.2 herein alleging illegal construction at the

instance of the respondent no.4 encroaching Municipal road.

4. It is submitted on behalf of the writ petitioner that the primary grievance of the writ petitioner, who is a public spirited person is that such representation dated 15.05.2025 has not been taken care of and the same is still pending.
5. Learned advocate appearing on behalf of the Medinipur Municipality submits before this Court that this writ petition ought not to be entertained for want of determination.
6. On careful consideration of the entire materials, as placed before this Court and after hearing the learned advocates for the contending parties, we find that sufficient materials have been placed before this Court to substantiate that the representation dated 15.05.2025 as has been submitted with the respondent no.2 alleging illegal encroachment by the private respondent no.4 has not been properly addressed.
7. In view of such, while disposing of the instant writ petition, we direct the Executive Engineer of the Medinipur Municipality as well as the jurisdictional B.L. & L.R.O. to make a joint field verification after serving due notice to the writ petitioner as well as to private respondent no.4 and thereafter shall submit a demarcation report

with the respondent no.2 authority positively within 15 working days from the date of the communication of server copy of this order.

8. The respondent no.2 authority on receipt of such demarcation report shall cause notice to the writ petitioner and private respondent no.4 and after giving due opportunity of hearing to the writ petitioner and the private respondent no.4, shall pass reasoned order on the representation dated 15.05.2025 and shall communicate the same to the writ petitioner and the private respondent no.4 forthwith.
9. The entire exercise, as indicated hereinabove, has to be completed by the respondent no.2 authority within 30 working days from the date of receipt of the demarcation report, as indicated (supra).
10. Before parting, it made clear that in the event, while passing reasoned order, the respondent no.2 authority finds sufficient merit in the representation dated 15.05.2025, he shall forthwith initiate appropriate action for removing all illegal encroachments, if there be any.
11. With the aforementioned observation, the W.P.A.(P) 453 of 2025 is disposed of.
12. It is, however, made clear that while disposing the instant writ petition, we have not entered into the merits of the representation dated 15.05.2025.

13. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(SUJOY PAUL, ACJ.)

(PARTHA SARATHI SEN, J.)