

N.22Sl
151/CL

WPA 26201 of 2024

Golok Chandra Maity & Ors.

-vs-

The State of West Bengal & Ors.

02.09.2025
SL-11
Ct.19
(S.R.)

Mr. Sabyasachi Chatterjee
Mr. Omar Faruk Gazi
Mr. Dipankar Das
Mr. Kiran Sk.
Mr. Debodip Ghosh ... for the petitioners.

Mr. Santanu Kumar Mitra
Mr. Subhabrata Das ... for the State.

Mr. Debabrata Acharyya
Mr. Sital Samanta
... for the respondent nos.16 & 17.

Mr. Shashwat Nayak
Mr. Avhishek Kabir
... for the respondent nos.18 & 19.

1. The writ petitioners, the respondent/State and its instrumentalities, the private respondent nos.16 and 17 and the private respondents 18 and 19 are represented by their respective counsels.
2. By filing the instant writ petition, the writ petitioners have prayed for issuance of appropriate writ/writs against the respondent authorities, more specifically, against the respondent no.12 to consider the representation of the writ petitioners dated 30.09.2024 as has been annexed at page nos.119 to 124 of the instant writ petition, in accordance with law.
3. At the time of hearing Mr. Chatterjee, learned

advocate appearing on behalf of the writ petitioners at the very outset draws attention of this Court to paragraph 11 of the writ petition. It is submitted that it is the specific case of the writ petitioners that the private respondents are making illegal construction over the water body in plot no.287/703 as well as on PWD's road in such a manner that creates obstruction to the shop room of the writ petitioners.

4. It is further submitted by Mr. Chatterjee that in paragraph 11 of the instant writ petition, the writ petitioners have stated the extent of encroachment as made by the private respondents.
5. At this juncture, Mr. Chatterjee submits that the writ petitioner no.3 under cover of his letter dated 30th September, 2024 has ventilated his grievance before the respondent no.12 authority as well as before the other respondent authorities but no effect. It is, thus, submitted by Mr. Chatterjee that appropriate relief/reliefs may be granted to the writ petitioners in terms of the prayers made in the instant writ petition.
6. Per contra, Mr. Das, learned advocate appearing on behalf of the respondent/State at the very outset draws attention of this Court to page no.60 of the instant writ petition. It is submitted by Mr. Das that from the materials as placed before this Court, it would reveal that in between the private respondents as the plaintiffs and the writ petitioners as defendants

a civil suit is pending before the jurisdictional Civil Court wherein the private respondents as the plaintiffs have sought for temporary injunction.

7. Mr. Acharyya, learned advocate appearing on behalf of the private respondent nos.16 and 17 and Mr. Nayak, learned advocate appearing on behalf of the private respondent nos.18 and 19, however, contended that the instant writ petition is not at all maintainable. It is submitted that the writ petitioners are not entitled to get any relief/reliefs as sought for in view of the fact that it is the case of the private respondents that it is the writ petitioners, who actually made the encroachment. It is, thus, submitted on behalf of the private respondents that the instant writ petition may be dismissed.
8. 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 respondent no.14 to make a field verification after securing prior service of notice upon the writ petitioners and the private respondents and thereafter to prepare a demarcation report and/or field verification report and to submit the same with the respondent no.7/authority within thirty working days from the date of communication of the server copy of this order.

9. The respondent no.7/authority after receipt of such demarcation report and/or field verification report from the respondent no.14/authority shall cause service of notice upon the writ petitioners as well as the private respondents and shall provide them copies of the demarcation report and/or field verification report as would be prepared by the respondent no.14/authority herein.
10. The respondent no.7/authority is further directed to give a fair chance of hearing both to the writ petitioners as well as to the private respondents and/or their authorized representatives and, thereafter, shall pass a reasoned order on the representation dated 30.09.2024 in the light of the aforementioned demarcation report and/or field verification report as well as in the light of the written notes of submissions filed by the parties, if there be any forthwith.
11. The respondent no.7 is further directed to communicate the reasoned order both to the writ petitioners as well as to the private respondents forthwith through mail, if the email details of the writ petitioners and the private respondents are furnished to him at the time of hearing.
12. The entire exercise as indicated in the forgoing paragraphs is to be completed by the respondent no.7/authority within sixty working days from the

date of receipt of the demarcation report and/or field verification report from the respondent no.14/authority.

13. Liberty is given to the learned advocates-on-record for the writ petitioners to communicate the server copy of this order to the respondent nos.7 and 14/authorities.
14. The respondent nos.7 and 14/authorities are directed to act on the basis of the server copies of this order.
15. The time limits as fixed by this Court are mandatory and peremptory.
16. Before parting with, it is made clear that, in the event, the respondent no.7/authority while passing the reasoned order finds any encroachment over the PWD's road either at the instance of the private respondents or at the instance of the writ petitioners, he shall forthwith initiate proceeding(s) under Section 10 of the West Bengal Highways Act, 1964.
17. With the aforementioned observations, **WPA 26201 of 2024** is disposed of.
18. There shall, however, be no order as to costs.
19. Urgent Photostat certified copy of the order if applied for, be made over to the parties as expeditiously as possible.

(Partha Sarathi Sen, J.)