

S/L 3
19.09.2025
Court. No. 19
Sourav

WPA 27321 of 2023

**Sri Shyamal Biswas & Ors.
Vs.
The State of West Bengal & Ors.**

Mr. Ramij Munsii

...for the petitioner.

*Mr. Ratul Biswas
Ms. Debalina Dasgupta*

...for the State.

1. The subject matter of the instant writ petition is the alleged encroachment at the instance of the private respondent no. 8 in front of the writ petitioners' property, particulars of which have been mentioned in paragraph no. 2 of the instant writ petition causing thereby obstruction as to the free egress and ingress to the writ petitioners' said property.
2. At the time of hearing, Mr. Munsii, learned advocate appearing on behalf of the writ petitioners draws attention of this Court to Page Nos. 39 to 41 of the instant writ petition, being a copy of the representation dated 20.11.2023 as submitted by the writ petitioners with the respondent no. 4/authority. Placing some papers (which have been taken on record), it is submitted by Mr. Munsii that pursuant to such representation dated 20.11.2023, the jurisdictional BL & LRO and the jurisdictional Assistant Engineer, i.e., the respondent nos. 6 and 4 herein respectively have caused field verification and noticed encroachment over the

P.W.D. land by three persons namely, Bikash Mallick, Utpal Dhali and Samir Karmakar.

3. It is further submitted by Mr. Munsii that thereafter notice under Section 10(1) of the West Bengal Highways Act, 1964 (hereinafter referred to as 'the said Act' in short) was served upon the said encroachers on 29.08.2024, however, on account of non-compliance of the said notice dated 29.08.2024, a proceeding was initiated under Section 10(3) of the said Act by the Sub-Divisional Magistrate, Sadar, Hooghly and a date was fixed on 28.05.2025.
4. Mr. Biswas, learned advocate appearing on behalf of the respondent/State submits before this Court that in the event, the submission as made by Mr. Munsii is found to be true in such case, the jurisdictional Sub-Divisional Magistrate may be directed to conclude the exercise within a certain period.
5. In view of such, this Court while disposing the instant writ petition directs the Sub-Divisional Magistrate, Sadar, Hooghly to conclude the proceeding under Section 10(3) of the said Act being Case No. 06 of 2025 positively by the last day of October, 2025 by passing a reasoned order upon compliance of all the formalities as mentioned in Section 10(3) of the said Act, if such order has not been passed in the meantime.
6. The Sub-Divisional Magistrate, Sadar, Hooghly is further directed to communicate his reasoned order to all the stakeholders forthwith.

7. It is further directed that in the event, the said Sub-Divisional Magistrate passes an order for eviction of the unlawful encroachers from the P.W.D. land and in the event, such order of eviction is not complied with by the unlawful encroachers, the Sub-Divisional Magistrate is directed to remove the unlawful encroachers from the P.W.D. land positively by November 15, 2025 and in case of necessity, he shall take the help of the police, more specifically, of the respondent no. 7 who on requisition from the said Sub-Divisional Magistrate shall ensure the availability of sufficient numbers of armed police personnel at the disputed plot.
8. Liberty is given to the learned advocate on record for the writ petitioners to communicate the server copy of this order to the Sub-Divisional Magistrate, Sadar, Hooghly and to the respondent no. 7/authority.
9. The Sub-Divisional Magistrate, Sadar, Hooghly and the respondent no. 7/authority are hereby directed to act on the basis of the server copy of this order.
10. The time limits as fixed by this Court are mandatory and peremptory.
11. With the aforementioned observations, the instant writ petition being **WPA 27321 of 2023** 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.)