

May 21, 2025
Sl. No.18
Court No.19
s.biswas

WPA 30551 of 2024

*Md. Maminul Haque Mallick @Md. Mominul
Haque and another
vs.
The State of West Bengal and others*

Mr. Md. Younush Mondal

... for the petitioners

Mr. Somnath Ganguly, AGP

Mr. Raja Ram Banerjee

... for the State

1. Affidavit of service as filed today is taken on record.
2. None appears on behalf of the private respondents, despite service.
3. It is the grievance of the writ petitioners that after receipt of a complaint from the writ petitioners regarding illegal construction over the PWD road in front of the writ petitioners' property particulars of which has been mentioned in paragraph 3 of the instant writ petition, the respondent no.4 authority under cover of his memo dated 08.11.2024 has asked the BL&LRO, Deganga, North 24 Parganas to submit the demarcation report.
4. It is submitted that to the best of knowledge of the writ petitioners, no such report has been submitted and on account of such the writ petitioners are facing extreme difficulty in getting

easy access to their property on account of illegal construction as made by the private respondents.

5. Learned advocate for the respondent State submits that appropriate direction may be passed upon the respondent no.4.
6. In view of such, while disposing of the instant writ petition, this court directs the BL&LRO, Deganga, North 24 Parganas to submit the report as called for vide Memo dated 18.11.2024 with the respondent no.4 authority after causing due field enquiry and/or demarcation securing service of prior notice upon the writ petitioners and/or private respondent no.6. Such report is to be submitted by the said BL&LRO with the respondent no.4 authority within 30 working days from the date of communication of the server copy of this order.
7. The respondent no.4 authority on receipt of such report shall consider the copy of the instant writ petition as a representation of the writ petitioners and after giving due opportunity of hearing to the writ petitioners and/or private respondent no.6 and/or their authorized representatives shall pass a reasoned order and shall communicate the same to the writ petitioners and the private respondent no.6 preferably by email, if email details of the writ petitioners and the private

respondent are provided to him at the time of hearing.

8. The entire exercise as indicated in the foregoing paragraph is to be completed by the respondent no.4 within 45 working days from the date of receipt of the report from the jurisdictional BL&LRO.
9. Liberty is given to the learned advocate on record of the writ petitions to communicate the server copy of this order along with a copy of the instant writ petition together with all annexures to the respondent no.4 and to the BL&LRO, Deganga for their immediate compliance.
10. The respondent no.4 and the said BL&LRO are directed to act on the server copy of this order.
11. In the event, while passing the reasoned order, the respondent no.4 authority finds sufficient merit in the representation of the writ petitioners, he is directed to proceed with the provision of Section 10 of the West Bengal Highways Act, 1964, soon thereafter.
12. With the aforementioned observation, the instant writ petition is disposed of.
13. Before parting with, it is made clear that as affidavits are not called for, the allegation made in the instant writ petition is deemed to have been denied.

14. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Partha Sarathi Sen, J.)