

Court No. 19
(265719)

10.11.2025
(AD 18)
(S. Banerjee)

WPA 30804 of 2024

Mr. Raunak Gupta & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Raj Kumar Sain
...for the petitioners

Mr. Ayan Banerjee
Mr. Amrita Lal Chatterjee
...for the State

Mr. Amar Nath Sen
Mr. Malay Dhar
Mr. Pranab Kumar Ghosh
Mr. Shoumik Naskar
...for the private respondents

Mr. S. P. Pahari
...for the respondent nos. 8 to 15

Re: CAN 2 of 2025

This application is at the instance of Haldia Hawker's Association, Basudevpur, Haldia, for being impleaded as a party-respondent in this writ petition.

The writ petition has been filed alleging that the private respondents have raised construction on the State Highway thereby obstructing the ingress and egress of the petitioners from their property being LR Plot No. 3053 within Mouza – Basudebpur, JL No. 126, LR Dag No. 8131 in the district of Purba Medinipur. Some private parties, against whom an

allegation of encroachment has been made, has been impleaded in the writ petition.

The applicant in CAN 2 of 2015 claims to be a hawker's association. It has been stated in the said application that the members of such association have constructed shop-rooms on the plots of land leased out in favour of its members by the erstwhile Haldia Development Authority which has since merged with Haldia Municipality.

It is further stated in the said application that the construction have been made in accordance with the plan sanctioned by the Haldia Notified Authority.

The private respondents also claim to be the members of the applicant association.

In view of the stand taken by the applicant in CAN 2 of 2025 and the issues raised in this writ petition, this court is of the considered view that the Haldia Hawkers' Association is a necessary party in this writ petition as the presence of the Association is necessary for effective adjudication of the disputes raised in this writ petition. Accordingly, CAN 2 of 2025 stands allowed.

The Haldia Hawkers' Association is impleaded as a party-respondent in this writ petition.

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The writ petitioners claim to be the recorded owners of LR Plot No. 3053. The petitioners claim to have lodged a complaint dated October 22, 2024 before the Executive Engineer, Tamluk Highway Division, PWD (Roads) department praying for removal of unauthorized encroachment and illegal construction raised on the highway belonging to the PWD (Roads) department.

Without entering into the merits of the claims made in the representation dated October 22, 2024, this writ petition stands disposed of by directing the Assistant Engineer, Haldia Highway Sub-Division, PWD (Roads), being the 5th respondent, to consider the representation of the petitioners dated October 22, 2024 and to dispose of the same by passing a reasoned order after initiating appropriate proceedings in accordance with law, make necessary inquiries, demarcation etc. and upon giving an opportunity of hearing to the petitioners, the association being the added respondents and any other person who may be affected by such decision or their authorized representatives.

It will be open to the said respondents to give an opportunity of hearing to any other authority for the

purpose of adjudication of the disputes raised in the representation dated October 12, 2024.

Needless to mention that the reasoned order shall be communicated to the respective parties as expeditiously as possible but, positively within a period of six weeks from the date of receipt of a server copy of this order along with a copy of the representation dated October 22, 2024.

The Executive Engineer, Tamluk Highway Division PWD (Roads), being the 4th respondent, is also directed to forward a copy of the representation dated October 22, 2024 to the 5th respondent forthwith.

With the above observations and direction this writ petition stands disposed of.

Since no affidavit has been called for, the allegations contained in the writ petition shall not be deemed to have been admitted by the respondents.

Re: CAN 1 of 2025

The applicants in CAN 1 of 2025, who are the private respondent nos. 8 to 15 in the writ petition, have prayed for an order restraining the respondent authorities from demolishing the stalls till the disposal of the representation for renewal of the lease

pending before the Haldia Development Authority and not to evict the applicants from the leasehold plots without following due process of law.

By the order passed today in this writ petition this court has directed the 5th respondent to afford an opportunity of hearing to the petitioner and the affected parties and to pass a reasoned order.

In view thereof, there is no necessity to pass a separate order on CAN 1 of 2025. Accordingly, the same stands disposed of.

Assistant Court Officer is directed to tag the applications being CAN 1 of 2025 and CAN 2 of 2025, along with the records of this court forthwith.

Till the applications being CAN 1 of 2025 and CAN 2 of 2025 are traced out and tagged along with the records of this case, the photocopy of the said applications which have been filed by the learned advocates for the respective parties, which are taken on record shall be treated to be the original till the original applications are tagged along with the records of this case.

(Hiranmay Bhattacharyya, J.)