

**Form No. J(2)**

**IN THE HIGH COURT AT CALCUTTA  
CIRCUIT BENCH AT JALPAIGURI**

**CONSTITUTIONAL WRIT JURISDICTION  
APPELLATE SIDE**

Present:

**THE HON'BLE JUSTICE SAUGATA BHATTACHARYYA**

**W.P.A. 1468 of 2025**

**Suresh Mandal**

**-vs-**

**State of West Bengal & Ors.**

For the Petitioner : Mr. Sourav Sen, Ld. Sr. Advocate  
: Mr. Alok Ahowmik

For the State : Mr. Joyjit Choudhury, Ld. AAG  
: Mr. Nbankur Paul  
: Mr. Sumit Kumar

Heard on : 28.07.2025

Judgment on : 28.07.2025

**SAUGATA BHATTACHARYYA, J.:**

- 1) Affidavit of service filed on behalf of the petitioner is taken on record.
- 2) Documents filed on behalf of State respondents are also taken on record.

3) Petitioner is chiefly aggrieved by the order of Assistant Engineer, (PWD), Siliguri Sub-Division being respondent no. 4 dated 7<sup>th</sup> March, 2025 passed in terms of order dated 19<sup>th</sup> November, 2024 on a writ petition being WPA 2414 of 2024 preferred by the petitioner.

4) Mr. Sourav Sen, learned Senior Advocate representing the petitioner has challenged this order dated 7<sup>th</sup> March, 2025 on two counts, firstly prior to passing this order along with the report dated 20<sup>th</sup> December, 2024 prepared by the Assistant Director and Officer In Charge, Siliguri Municipal Corporation Area (LR) being respondent no. 7 sketch map was not supplied to the petitioner and secondly two parallel proceedings are being run against the petitioner one is under Section 10 of the West Bengal Highways Act, 1964 and another is under Section 3 of the West Bengal Public Land (Eviction of Unauthorized Occupants) Act, 1962 which is wrongly stated as an Act of 1964 in the notice dated 28<sup>th</sup> May, 2025. It is contended that relating to identical issue two parallel proceedings may not be initiated against the petitioner and petitioner was prejudiced for non-supply of sketch map prior to passing final order dated 7<sup>th</sup> March, 2025 by respondent no. 4.

5) According to the petitioner, in terms of order dated 19<sup>th</sup> November, 2024 passed by a coordinate Bench concerned respondent authorities were required to supply sketch map prepared based on inspection in order to point out that there was encroachment at the instance of the petitioner.

6) State respondents are represented by learned Additional Advocate General who has submitted on instruction that though report dated 20<sup>th</sup> December, 2024 of respondent no. 7 was supplied to the petitioner but same was not accompanying sketch map which was prepared by respondent no. 7 after completing the exercise in terms of the order of the coordinate Bench dated 19<sup>th</sup> November, 2024.

7) According to State respondents, issue of non-supply of sketch map was not raised by the petitioner before the respondent no. 4.

8) Furthermore, it is submitted on behalf of State respondents that only way which is left open to respondent no. 4 and other State authorities is to take recourse to Section 10 of the West Bengal Highways Act, 1964 and submission has been made in reference to sub-section 2 of section 10.

9) While disposing of the first writ petition preferred by the petitioner vide order dated 19<sup>th</sup> November, 2024 jurisdictional Block Land and Land Reforms Officer as well as jurisdictional Assistant Engineer (PWD) were directed to take certain steps. On perusing records and hearing the parties, it appears that steps were taken to demarcate the land in question (RS Plot No. 215) by respondent no. 7 and a report was prepared which was supplied to the petitioner. However, such report was not accompanying sketch map.

10) Taking cue from the order passed by the coordinate Bench dated 19<sup>th</sup> November, 2024, it appears that supply of report was necessary but it needs to be recorded herein that on inspection of the land in question a sketch map was prepared which was not supplied to the petitioner before passing impugned order dated 7<sup>th</sup> March, 2025.

11) Petitioner by letter dated 13<sup>th</sup> January, 2025 made a prayer to respondent no. 7 for supply of sketch map. However fact remains without supplying the sketch map order was passed on 7<sup>th</sup> March, 2025 by respondent no. 4 thereby depriving the petitioner of making deliberation based on relevant documents including sketch map, which might have led respondent no. 4 to pass different order.

12) In addition thereto, for compliance of natural justice, relevant material that is sketch map needs to be supplied to

the petitioner before passing final order. Failure to supply of the sketch map before passing final order vitiated the decision making process.

13) Hence, order dated 7<sup>th</sup> March, 2025 passed by respondent no. 4 stands set aside.

14) Today, during course of hearing, Mr. Choudhury, learned Additional Advocate General has made over a copy of sketch map to Mr. Sen, learned Senior Advocate representing the petitioner.

15) Petitioner is granted leave to file further representation to respondent no. 4 by ten days from date raising additional points, if any, in consideration of sketch map.

16) Notwithstanding submission of representation in terms of leave granted today, respondent no. 4 is directed to revisit the issue and pass final order by four weeks thereafter after granting opportunity of hearing to the petitioner or his representative. The decision to be taken by respondent no. 4 shall be communicated to the petitioner by ten days thereafter.

17) Argument advanced on behalf of the petitioner that State authorities are running two parallel proceedings one in terms of Section 10 of the West Bengal Highways Act, 1964 and another in terms of Section 3 of the West Bengal Public Land (Eviction of Unauthorized Occupants) Act, 1962 need

not be dilated in view of submission made by learned Additional Advocate General that only way left open to the State authorities is to take recourse to section 10 of the West Bengal Highways Act, 1964.

18) Writ petition stands disposed of.

19) There shall be no order as to costs.

20) Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

**(Saugata Bhattacharyya, J.)**

Court. 02  
Item No.06 (D/L)  
(Suvendu)