

05.03.2026

Item No.21

Ct. No.1

PG

W.P.A.(P) 44 of 2026

Farid Mollah.

Vs.

The State of West Bengal & Ors.

Mr. Arun Kr. Maiti (Mohanty)

Mr. Shaheb Sadhukhan

Mr. R.R. Mohanty

Ms. Puspita Chowdhury

Ms. Rajorna Mazumder

.....for the petitioner

Mr. Swapan Dutta, Ld. GP.

Mr. Nilotpal Chatterjee

Mr. Kanak Kiran Bandyopadhyay

.....for the State

PER, PARTHA SARATHI SEN, J.:

1. The writ petitioner and the respondents/State are represented by their respective learned counsels.
2. By filing the instant writ petition, the writ petitioner has prayed for issuance of appropriate writ/writs against the respondent authorities, more specifically against the respondent no. 10 and respondent no. 3 to take appropriate steps for removal of illegal encroachment over both sides of Ranihati-Haridaspur Amta Road, a State Highway, from Ranihati Crossing to Manikpur especially at RS.

Plot No. 1001, 1012, 1058 and 1282, corresponding to LR Plot No. 1040, 1041, 1042 and 1068 respectively, Mouza: Ranihati, JL. No. 17, Police Station- Panchla, District- Howrah.

3. At the time of hearing, Mr. Arun Kumar Maiti (Mohanty), learned advocate appearing on behalf of the writ petitioner at the very outset, draws our attention to paragraphs 5 and 6 of the instant writ petition. It is submitted that it is the specific case of the writ petitioner that on account of illegal encroachment over both sides of the aforementioned road, traffic congestion occurs every now and then making the lives of the local inhabitants, who are using the said road miserable.
4. At this juncture, Mr. Arun Kumar Maiti (Mohanty), learned advocate appearing on behalf of the writ petitioner draws the attention of this Court to the copy of the letter dated 22.04.2025, as written by the respondent no. 10 addressed to the

respondent no. 8 authority, whereby and whereunder it has been indicated that pursuant to the representation of the writ petitioner, a demarcation programme was fixed.

5. It is further submitted that from page no. 32 of the instant writ petition being annexure-‘P6’, it would reveal that by another communication dated 23.05.2025, the respondent no. 10 authority made a communication with the respondent no. 3 authority that demarcation and verification of land from Ranihati-Amta road has been carried out.
6. It is submitted that in view of the fact that demarcation and verification of the land has already been carried out by the jurisdictional BL &LRO, there cannot be any difficulty on the part of the respondent no. 10 authority as well as the respondent no. 3 authority to proceed in accordance with the provision of section

10 of the West Bengal Highways Act, 1964 (hereinafter referred to as the 'said Act').

7. Mr. Chatterjee, learned advocate appearing on behalf of the respondent/ State and its instrumentalities, in his usual fairness, submits before this Court that the respondent no. 10 authority as well as the respondent no. 3 authority may be directed to act in accordance with the provision of section 10 in view of the fact that sufficient materials have been placed that demarcation and verification programme in respect of the aforementioned stretch of land in the aforementioned Ranihati-Amta road has been carried out.

8. In view of such, this Court, while disposing of the instant writ petition directs the respondent no. 10 authority to act in accordance with the provisions of section 10(1) of the said Act by issuing notices to all the encroachers, if there be any.

9. It is further directed that in the event despite receipt of such notice, the alleged encroachers do not remove the encroachment, the respondent no. 10 authority is further directed to take appropriate steps in accordance with section 10(2) of the said Act by making appropriate application before the respondent no. 3 authority.
10. The respondent no. 3 authority, on receipt of an application under section 10(2) of the said Act from the respondent no. 10 authority, is directed to cause notice upon all the stakeholders including the encroachers, if there be any and shall come to a logical conclusion of the said application, as preferred by the respondent no. 10 before him.
11. The entire exercise, as indicated hereinabove, is to be completed by the respondent no. 10 within 60 working days from the date of communication of server copy of this order.

12. It is further made clear that in the event the encroachment is not removed and in the event the respondent no. 10 files application(s) before the respondent no. 3 authority under section 10(2) of the said Act, the respondent no. 3 is duty bound to dispose of such application(s) after giving an opportunity of hearing to all the stakeholders also within 60 working days from the date of receipt of such application.
13. The time limit, as fixed by this Court, is peremptory and mandatory.
14. Liberty is given to the learned advocate on record of the writ petitioner to communicate the server copy of this order to the respondent no. 3 and respondent no. 10 authorities for their immediate compliance.
15. With the aforementioned observations/ directions the instant writ petition is disposed of.

16. Before parting with, it is, however, made clear that while disposing the instant writ petition, we have not gone into the merits of the instant writ petition and thus, all points are kept open for adjudication before the respondent no. 10 and respondent no. 3 authorities.

17. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(SUJOY PAUL, CJ.)

(PARTHA SARATHI SEN, J.)