

March 25, 2026
Sl. No.28
Court No.1
s.biswas

WPA(P) 84 of 2026

Samsul Alam Sk.

vs.

The State of West Bengal and others

Mr. Subhankar Bose

Mr. Lakshminath Bhattacharya

... for the petitioner

Mr. Swapan Kumar Dutta, GP

Mr. Nilotpal Chatterjee

Ms. Dipanwita Ganguly

... for the State

Mr. Md. Wasim Akram

... for the respondent no.12

Dictated by Partha Sarathi Sen, J.

1. The affidavit of service as filed today on behalf of the petitioner is taken on record.
2. The writ petitioner, the State and the private respondent no.12 are represented by their respective learned counsel.
3. At the time of hearing, learned counsel appearing on behalf of the writ petitioner at the very outset draws our attention to page nos.17 and 18 of the instant writ petition (Annexure P-1) whereby and whereunder a Co-ordinate Bench of this court by its order dated 08.02.2024 in WPA(P) 11 of 2024 directed for removal of

encroachment by the appropriate authority.

4. At the time of hearing, learned counsel appearing on behalf of the writ petitioner further draws our attention to Annexure P-3 at page 24. It is submitted that pursuant to the earlier direction dated 08.02.2024, the unauthorized encroachment has been removed by the respondent authorities as would be evident from the said page.

5. It is submitted further that it is the specific case of the writ petitioner that even after removal of the said unauthorized encroachment by the private respondents, the private respondents have again made some unauthorized construction over the PWD road and such factum was brought to the notice of the respondent authorities under cover of a letter dated 29.12.2025. It is submitted further that despite submission of such letter dated 29.12.2025, no action has been taken by the respondent authorities

more specifically the respondent no.6 authority.

6. It is thus submitted that appropriate relief/reliefs may be granted to the writ petitioner in terms of the prayer made in the instant writ petition.

7. Learned counsel for the private respondent however disputed the contention of learned counsel for the petitioner. It is argued that no case is made out for obtaining relief as prayed for inasmuch as no materials could be placed before this court that the private respondent has occupied any portion of PWD land over L.R. Dag No.4467, Mouza-Raidhigi Abad under P.S. Raidhigi, District South 24 Parganas.

8. Learned counsel for the respondent State in his usual fairness submits before this court that respondent no.6 authority may be directed to consider the representation of the writ petitioner as submitted on 29.12.2025, in accordance with law.

9. In view of the facts and circumstances as stated in the foregoing paragraph, we while disposing the instant writ petition direct the respondent no.6 authority to consider the representation dated 29.12.2025 in accordance with law and after giving an opportunity of hearing to both writ petitioner and the private respondent, shall pass a reasoned order on such representation and forthwith communicate the same to both the writ petitioner and the private respondent.

10. It is further directed that for passing reasoned order on the representation of the writ petitioner, the respondent no.6 authority is at liberty to call for a field verification report and/or demarcation report from the respondent no.11 authority, who on such requisition shall submit such demarcation report with the respondent no.6 authority within 30 working days from the date receipt of such requisition.

11.The entire exercise as indicated in the foregoing paragraphs is to be completed by the respondent no.6 authority within 90 working days from the date of communication of the server copy of this order.

12.The time limit as fixed by this court is peremptory and mandatory.

13.With the aforementioned observation, the instant writ petition being WPA(P) 84 of 2026 is disposed of.

14.Before parting with, it is made clear that while disposing of the instant writ petition, we have not gone into the merits of the representation dated 29.12.2025 and thus all points are kept open for adjudication by the respondent no.6 authority.

15.It is further made clear that in the event while passing the reasoned order, the respondent no.6 authority finds sufficient merit in the representation of the writ petitioner, he is directed to take all consequential action soon thereafter.

16.Liberty is given to the learned advocate-on-record for the writ petitioner to communicate the server copy of this order to the respondent no.6 and respondent no.11, who are directed to act on the basis of the server copy of this order.

(Sujoy Paul, C.J.)

(Partha Sarathi Sen, J.)