

01.07.2026
Item No.04
Ct. No. 19
RP

WPA/13660/2026

SURESH ROY

VS

STATE OF WEST BENGAL AND ORS.

Mr. Manas Kumar Das

... For the Petitioner

Mr. Nilanjan Bhattacharya, Sr. Standing Counsel

Ms. Jayita Dhar Chakraborty

Mr. Akash Adak

... For State

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. None appears for the private respondent despite service. However, the learned advocate for the petitioner and the respondent/State are present.
3. At the time of hearing the learned advocate appearing on behalf of the writ petitioner has handed over a copy of the memo dated 24.06.2026 as written by the respondent no.3 authority addressed to the respondent no.5 authority requesting him to cause demarcation. Let the memo dated 24.06.2026 be taken on record.
4. By filing the instant writ petition the writ petitioner has prayed for issuance of

appropriate writ or writs against the respondent authorities, more specifically against the respondent no.3 authority, for taking appropriate steps for removal of encroachment over the PWD land in front of the land of the writ petitioner, the particulars of which has been mentioned paragraph 4 of the instant writ petition.

5. At the time of hearing the learned advocate for the writ petitioner at the very outset draws attention of this Court to a copy of the representation dated 23.03.2026 with the respondent no.3 authority. It is submitted that under cover of such representation dated 23.03.2026 the writ petitioner has ventilated his grievance regarding encroachment over the PWD road at the instance of the private respondents in front of the land of the writ petitioner whereby the writ petitioner's free access to such land has been obstructed. It is submitted that on receipt of such

representation and after filing of the instant writ petition the respondent no.3 authority issued the said memo dated 24.06.2026 to the respondent no.5 to cause an inspection and to submit the demarcation report. It is, thus, submitted that it is a fit case for granting relief to the writ petitioner in terms of the prayers made in the instant writ petition.

6. Learned advocate appearing for the respondent/State in his usual fairness submits before this Court that the respondent no.3 authority may be directed to consider the representation dated 23.03.2026 in accordance with law.
7. In view of such, this Court while disposing the instant writ petition directs the respondent no.5 authority to make a field verification on the disputed plot after giving due notice to the writ petitioner and the private respondent and shall submit a demarcation report with the respondent no.3 authority positively

within 30 working days from the date of communication of the server copy of this order.

8. The respondent no.3 authority on receipt of the said demarcation report from the respondent no.5 authority shall cause notice to the writ petitioner and private respondent and shall provide them copies of the demarcation report. The respondent no.3 authority is further directed to consider the representation dated 23.03.2026 in the light of the said demarcation report as would be submitted by the respondent no.5 authority and shall after giving due opportunity of hearing both to the writ petitioner and the private respondent pass a reasoned order and shall forthwith communicate the same to the writ petitioner and the private respondent.
9. The entire exercise as indicated above shall have to be completed by the respondent no.3 authority within 45

working days from the date of receipt of the said demarcation report.

10. The time limit as fixed by this Court is peremptory and mandatory.
11. It is further made clear that while disposing the instant writ petition this Court has not gone into the merits of the instant writ petition and, thus, all points are kept open for adjudication by the respondent no.3 authority.
12. It is made clear that in the event while passing the reasoned order the respondent no.3 authority finds sufficient merits in the representation dated 23.03.2026 as submitted by the writ petitioner he shall take all consequential action forthwith.
13. With the aforementioned observation, this writ petition is disposed of.
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 nos.3 and 5

authorities, who are directed to act on the server copy of this order.

15. Urgent Photostat certified copy of this order, if applied for, be delivered to the learned advocates for the parties, upon compliance of all formalities.

(PARTHA SARATHI SEN, J.)