13.11.2026
Sl. No. 21 (DL)
Ct.No.19
(Susanta)
(Bench I.D. 266052)

WPA 14647 of 2026

Smt. Dipali Das & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Chandrachur Lahiri,
Mr. Premraj Sharma,
Ms. Ketaki Ghosh,
... for the Petitioners.
Mr. Anindya Basu, Sr. Govt. Adv.,
Mr. Dilip Kumar Shyamal ,
... for the State.

1. Affidavit of service as filed today on behalf of the writ petitioners is taken on record.

2. On behalf of the respondent State, a memo dated 03.07.2026, as issued by the Assistant Engineer, Gopiballavpur Sub-Division, Public Works Directorate, is filed and the same is taken on record.

3. On careful perusal of the entire materials as placed before this Court and after hearing the learned advocates for the contending parties, it appears that the Assistant Engineer, Gopiballavpur Sub-Division, Public Works Directorate, and the jurisdictional BL &LRO, that is, the Block Land and Land Reforms Officer, Keshiyari Block, District Paschim Medinipur, are necessary party respondents.

4. In view of such, liberty is given to the learned advocate-on-record to add the said jurisdictional Assistant Engineer and the jurisdictional BL&LRO as party respondent nos. 2A and 3A respectively, by

making necessary insertion in the cause title of the instant writ petition positively in course of this day in Court.

5. By filing the instant writ petition, the writ petitioners have prayed for issuance of appropriate writ/writs against the respondent no. 2A authority commanding him to take appropriate steps for removal of the encroachment as allegedly made by the private respondent no. 6 over the PWD land in front of the writ petitioners' property, the particulars of which have been mentioned in paragraph no. 1 of the instant writ petition.

6. At the time of hearing, learned advocate appearing on behalf of the writ petitioners submits before this Court that it is the specific case of the writ petitioners that the present writ petitioners are the raiyat in respect of 0.08 decimal of land in Mouza Bhasra, P.S. Keshiyari, District Paschim Medinipur, and over such land, the writ petitioners' son, Sri Surojit Das, is carrying on his hotel business in the name and style of "Maa Durga Hote and Lodge".

7. It is submitted further that it is the further case of the writ petitioners that on account of illegal encroachment over the PWD land in front of the writ petitioners' aforementioned property, more specifically in front of the hotel of the writ petitioners' son, the business of the writ petitioners' son is hampering like anything, and thus finding no other alternative, the writ petitioners submitted a representation dated

05.02.2026 with the respondent no. 2 authority, but in vain.

8. It is thus submitted that appropriate relief/reliefs may be granted to the writ petitioners in terms of the prayers made in the instant writ petition.

9. In course of his submission, learned advocate appearing on behalf of the respondent State draws attention of this Court to the memo dated 03.07.2026 as issued by the respondent no. 2A authority, whereby and whereunder the father of the private respondent no. 6 was directed to remove the encroachment.

10. On careful perusal of the entire materials as placed before this Court and after hearing the learned advocates for the contending parties, this Court, while disposing of the instant writ petition, directs the respondent no. 3A authority, being the jurisdictional BL&LRO, to carry out a field verification at the disputed plot after giving prior notice both to the writ petitioners, the private respondent, and/or any other stakeholder, if there be any, and shall submit a demarcation report with the respondent no. 2A authority, being the jurisdictional Assistant Engineer of the PWD Directorate, positively within 30 working days from the date of communication of the server copy of this order.

11. The respondent no. 2A authority, on receipt of the demarcation report from the jurisdictional BL&LRO, shall cause service of notice upon the writ

petitioners, the private respondent no. 6, and/or any other stakeholders, if there be any, and shall provide them copies of the demarcation report as would be submitted by the jurisdictional BL&LRO, being the respondent no. 3A authority.

12. The respondent no. 2A authority, being the jurisdictional Assistant Engineer of the PWD Directorate, is further directed to give a fair chance of hearing to the writ petitioners, to the private respondent no. 6, and/or any other stakeholders, if there be any, and shall pass a reasoned order upon the representation dated 05.02.2026 as submitted by the writ petitioners in the light of the demarcation report as would be submitted by the jurisdictional BL&LRO, and shall forthwith communicate the same to the writ petitioners, the private respondent no. 6, and any other stakeholders, if there be any, preferably by e-mail, if the email details of the writ petitioners, private respondent no. 6, and any other stakeholders are provided to him at the time of hearing.

13. The entire exercise as indicated hereinabove shall have to be completed by the jurisdictional Assistant Engineer of the PWD Directorate, being the respondent no. 2A authority, positively within 45 working days from the date of receipt of the demarcation report from the jurisdictional BL&LRO.

14. The time limits as fixed by this Court are peremptory and mandatory.

15. It is further directed that in the event, while passing the reasoned order, the respondent no. 2A authority, being the jurisdictional Assistant Engineer of the PWD Directorate, finds sufficient merit in the representation dated 05.02.2026 as submitted by the writ petitioners, he is directed to take all consequential actions for removal of the encroachment over the PWD land soon thereafter.

16. With the aforementioned observation, WPA No. 14647 of 2026 is disposed of.

17. Before parting with, it is however made clear that while disposing of the instant writ petition, this Court has not gone into the merit of the representation dated 05.02.2026, as such, all points are kept open for adjudication before the respondent no. 2A authority, being the jurisdictional Assistant Engineer of the PWD Directorate.

18. Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Partha Sarathi Sen, J.)