

02.04.2026
Item No. 36
Ct. No.236
PG

W.P.A. 17832 of 2025
Raju Roy & Ors.
Vs.
The State of West Bengal & Ors.

Ms. Salma Sultana Shah
Mr. Santi Hossain
Mr. Miraj Hossain.....for the petitioners

Mr. Swapan Banerjee, Ld. AGP
Mr. Soumen Chatterjee.....for the State

Mr. Partha Pratim Roy
Mr. Samrat Chakraborty
.....for the respondent nos. 8 & 9

DICTATED BY PARTHA SARATHI SEN, J.:

1. Affidavit of service filed in Court today is taken on record.
2. On perusal of the prayer portion of the instant writ petition, it reveals that the writ petitioners have prayed for issuance of appropriate writ/writs against the respondent authorities for removal and/or demolition of the illegal and unauthorised construction including the newly created staircase in front of the Sufala Market & Residence over the Plot No. 5693 of Mouza-Pandua, J.L. No. 108 as well as other portions of the Government land

adjacent to the PWD Roads under Pandua Gram Panchayat, Police Station-Pandua in Hooghly district along with other ancillary prayers.

3. On perusal of page no. 52 of the instant writ petition (annexure-‘P7’), it reveals that the Sub Divisional Magistrate, Sadar, Hooghly has issued a notice under section 10(3) of the West Bengal Highways Act, 1964 (hereinafter referred to as the ‘said Act’ in short) upon all the stakeholders asking them to appear before him in connection with Case No. 7 of 2025 under section 10(3) of the said Act.
4. On careful perusal of the statement of facts, as submitted by the Assistant Engineer, Chandannagar Highway Sub-Division, P.W. (Roads) Directorate and the report of the Officer-in-Charge, Pandua Police Station dated 7.08.2025, it reveals that the aforementioned Sub Divisional Magistrate, Chinsurah Sadar, Hooghly directed the jurisdictional BL & LRO to

submit a joint inspection report and pursuant to such direction, a spot inspection was already held on 27.12.2024 by the officials of the BL&LRO Pandua, Hooghly, wherein it has been noticed that no encroachment has been made by the private respondents over the PWD land for making the stair, which is, however, disputed by the learned advocate for the writ petitioners by saying that from page no. 51 of the writ petition (annexure- 'P6'), it would reveal that by a letter dated 24.04.2025, the jurisdictional BL & LRO informed Assistant Engineer, Chandannagar Highway Sub Division, PW. (Roads) Directorate that a new staircase has been made at the plot of G.T. Road under PWD on Plot No. 5693 of Mouza- Pandua.

5. In view of such, while disposing the instant writ petition, this Court directs the respondent no. 3 authority to dispose of the Case No. 7 of 2025 as initiated under

section 10(3) of the said Act in the light of the reports of the BL & LRO, Pandua, Hooghly positively within 90 working days from the date of communication of server copy of this order.

6. It is pertinent to mention herein that the respondent no.3 authority, prior to passing of final order shall give due opportunity of hearing to all the stakeholders including the petitioners and the private respondents in connection with the aforementioned case, if not disposed of in the meantime and in doing so, the respondent no. 3 is at liberty to seek latest demarcation report from BL & LRO, Pandua, Hooghly.
7. Liberty is given to the learned advocate on record for the writ petitioners to communicate the server copy of this order to the respondent no. 3 authority, who is directed to act on the server copy of this order.

8. With the aforesaid observations/directions, the writ petition is disposed of.
9. Before parting with, it is however, made clear that while disposing of the instant writ petition, I have not gone into the merit of Case No, 7 of 2025 and thus, all points are kept open for adjudication by the respondent no.3 authority, if not disposed of in the meantime.
10. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(PARTHA SARATHI SEN, J.)