IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

Ct.19 **06.10.26**
Item No.09 Sws.M

WPA 27172 of 2026

Minakshi Rani Maiti Bangal
VS.
The State of West Bengal & Ors.

Mr. Salil Kumar Maiti
Ms. Dolan Samanta
.....for the petitioner

Mr. Tapas Sil
Ms. Moumita Dhar
.....for the respondent/State

Mr. Raj Kumar Sain
.....for the respondent No. 7

1. Affidavit of service as filed by the writ petitioner is taken on record.
2. On behalf of the respondent/State, two reports have been filed, which are taken on record.
3. By filing the instant writ petition, the writ petitioner has prayed for issuance of appropriate Writ/Writs against the respondent No.3/authority, commanding him to remove the encroachment over the PWD land as has been allegedly erected by the private respondent No. 7 by the side of the land of the writ petitioner, particulars of which has been mentioned in paragraph Nos. 2 and 3 of the instant writ petition.
4. It is submitted on behalf of the writ petitioner that on account of such illegal construction over the PWD

land by the private respondent, the petitioner's egress and ingress to her own property, particulars of which has been mentioned in paragraph Nos. 2 and 3 of the instant writ petition, has been seriously obstructed.

5. It is further submitted that despite submission of a representation dated 01.07.2026 with the respondent No.2/authority, nothing has been done and accordingly it is submitted that appropriate relief/reliefs may be granted in terms of the prayers made in the instant writ petition.

6. Mr. Sil, learned advocate appearing on behalf of the respondent/State submits before this Court that from the report of the Assistant Engineer, it would reveal that the respondent No. 3/authority has already requested the respondent No. 6/authority to submit a demarcation report and the same is still awaiting.

7. Learned advocate appearing on behalf of the private respondent in course of his argument draws attention of this Court to the schedule of the photocopy of the deed of conveyance as filed on behalf of the writ petitioner. It is submitted that from the schedule of the said deed, it would reveal that the writ petitioner's land is not contiguous to the land of the PWD and thus the assertion regarding

obstruction of egress and ingress is nothing but a myth.

8. On careful consideration of the entire materials as placed before this Court and after hearing the learned advocates for the contending parties, this Court while disposing the instant writ petition passes the following directions:

(a) The respondent No.6/authority is directed to cause field verification at the disputed plot after giving prior notice to the writ petitioner and the private respondent and shall submit demarcation report and/or field verification report with the respondent no.3/ authority positively within thirty working days from the date of communication of the server copy of this order.

(b) The respondent no.3/ authority on receipt of the said demarcation report/field verification report from the respondent No. 6/authority shall cause service of notice upon the writ petitioner and the private respondent and shall provide them copies of the said demarcation report/field verification report as would be submitted by the respondent No.6.

(c) The respondent no.3/authority is further directed consider the representation of the

writ petitioner, as submitted on 01.07.2026, in accordance with law, and also in the light of the demarcation report/field verification report as would be submitted by the respondent No. 6/authority, after give fair chance of hearing both to the writ petitioner and the private respondent and/or their authorized representatives and, thereafter shall pass a reasoned order and shall forthwith communicate the same both to the writ petitioner and the private respondent preferably by e-mail, if the e-mail address is provided to him by both the writ petitioner and the private respondent at the time of hearing.

(d) The entire exercise, as indicated in the forgoing paragraphs, is to be completed by the respondent no.3/ authority within forty-five working days from the date of receipt of the demarcation report/field verification report from the respondent No.6/authority.

(e) The time limit as fixed by this Court is peremptory and mandatory.

(f) It is further directed that, in the event, while passing the reasoned order, the respondent no.3/authority finds sufficient merit in the representation dated 01.07.2026 as

submitted by the writ petitioner, he is directed to take all consequential actions soon thereafter.

9. With the aforementioned observations, the instant writ petition is **disposed of.**

10. Liberty is given to the learned advocate-on-record for the writ petitioner to communicate the server copy of this order along with a copy of the representation dated 01.07.2026 both to the respondent Nos. 3 and 6, who are directed to act on the server copy of this order.

11. Before parting with, it is however made clear that while disposing the instant writ petition, this Court has not gone into the merits of the representation dated 01.07.2026 and, thus, all points are kept open for adjudication by the respondent no.3/ authority.

12. Urgent Photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Partha Sarathi Sen , J.)