

07.01.2026
Item No.28
Ct. No.1
KS

W.P.A. (P) 573 of 2025
Payel Maji
Vs.
The State of West Bengal & Ors.

Mr. Atarup Banerjee
Mr. Sumik Biswas

.....For the Petitioner

Ms. Sonal Sinha, Ld. A.G.P.
Mr. Amrita Lal Chatterjee

.....For the State

PER, PARTHA SARATHI SEN, J.:

1. Affidavit-of-service filed in Court and the same is taken on record.
2. None appears on behalf of the respondent/Municipality and the private respondents despite service, however, learned counsel for the writ petitioner and the State are present.
3. At the time of hearing, learned counsel appearing on behalf of the petitioner, at the very outset, draws the attention of this Court to Annexure – P/1 being a copy of the relevant Mouza Map.
4. It is submitted that from the said Mouza Map it would reveal that the Plot No.4118 is a public road within the meaning of the West Bengal Public Land (Eviction of Unauthorized Occupants) Act, 1962 (hereinafter referred to as the said “Act”, in short).

5. It is submitted that it is the specific case of the writ petitioner that despite the fact that the said Plot No.4118 is a public road, the respondent/Municipality for the reasons best known to them, has given permission to the private respondents to carry on their business on such road causing thereby serious obstruction to the said road since the said road is a public road and surrounded by various schools also.
6. It is thus submitted that on account of such action of the respondent/Municipality, the right to life of the persons of the locality is jeopardized.
7. It is further contended that by a representation dated 25.11.2025 (Annexure – P/2), the grievance of the writ petitioner was brought to the notice of the respondent no.3 authority, but in vain.
8. It is, thus, submitted that appropriate relief/reliefs may be granted to the writ petitioner in terms of the prayers made in the instant writ petition.
9. Learned counsel appearing on behalf of the respondent/State, however, contended that justice would be sub-served that in the event, the respondent nos.3 and 4 authority may be directed

to consider the representation dated 25.11.2025, as submitted on behalf of the writ petitioner, in accordance with law.

10. On a careful perusal of the entire materials, as placed before us and after giving due chance to hearing to the learned advocates for the contending parties it appears that the representation dated 25.11.2025 as submitted by the writ petitioner with the respondent nos.3 and 4 authorities remains undisposed of.

11. In view of such, we direct the respondent nos.3 and 4 authorities to consider the representation dated 25.11.2025 (Annexure – P/2) of the writ petition in accordance with law and after giving due chance of hearing to the writ petitioner and/or any other stake holders, if there be any and/or their authorized representatives shall pass a reasoned order and shall forthwith communicate the same to the writ petitioner and the other stake holders.

12. The entire exercise, as indicated hereinabove, shall have to be completed within 45 days from the date of receipt of server copy of this order.

13. The time limit, as fixed by this Court, is peremptory and mandatory.

14. Before parting with, it is, however, made clear that in the event, while passing the reasoned order, the respondent nos.3 and 4 authorities find sufficient merit in such representation of the writ petitioner, they are directed to act, in accordance with law forthwith.

15. With the aforementioned observation, W.P.A. (P) 573 of 2025 is disposed of.

16. It is, however, made clear that while disposing of the instant writ petition, we have not gone into the merits of the representation dated 25.11.2025 and thus, all points are kept open before the respondent nos.3 and 4.

17. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(SUJOY PAUL, ACJ.)

(PARTHA SARATHI SEN, J.)