IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

Ct.19 **14.10.26**
Item No.09 Sws.M

WPA 28748 of 2026

Sankar Bag and Anr.
VS.
The State of West Bengal & Ors.

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

Dr. Siddhartha Goswami
Mr. Bikramjit Mandal
.....for the respondent/State

Mr. Dyutiman Banerjee
Mr. Souparna Malakar
.....for the respondent No. 11

1. Affidavit of service as filed by the writ petitioners is taken on record.
2. The writ petitioners and the respondent/State are represented by their respective learned counsel.
3. None appears on behalf of the private respondent, despite service.
4. Dr. Goswami, learned advocate appearing on behalf of the respondent/State has submitted a report dated 08.10.2026, which is taken on record.
5. By filing the instant writ petition, the writ petitioners have prayed for issuance of appropriate Writ/Writs against the respondent/authority, more specifically against the respondent No.3/authority, commanding

him to remove the encroachment as allegedly made by the private respondents over the PWD land which is contiguous to the writ petitioner's property, particulars of which has been mentioned in paragraph 2 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 on account of such alleged illegal encroachment at the instance of the private respondents over the PWD land, the writ petitioners' egress and ingress to the said property as mentioned in paragraph 2 of the instant writ petition is seriously hampered and blocked.

7. It is thus submitted that despite submission of the representation dated 21.08.2026, no action has been taken by the respondent/authorities and thus appropriate relief/reliefs may be granted to the writ petitioner in accordance with law.

8. Dr. Goswami, learned advocate appearing on behalf of the respondent/State in course of his submission draws attention of this Court to page No. 2 of the report as filed today. It is submitted that from the said page No. 2 of the said report, it would reveal that the respondent No. 3/authority has requested the respondent No. 6/authority to submit a demarcation report/field verification report.

9. In view of such, this Court while disposing the instant writ petition directs the respondent No. 6/authority to submit a demarcation report with the respondent No. 3/authority positively within 45 working days from the date of communication of the server copy of this order.

10. It is further directed that prior to the proposed demarcation, the respondent No. 6/authority will serve notice upon the writ petitioners and the private respondents.

11. 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 petitioners and the private respondents and shall provide them copies of the demarcation report both to the writ petitioners and the private respondents as would be submitted by the respondent No.6/authority.

12. The respondent No. 3/authority is further directed to give a fair chance of hearing both to the writ petitioners and the private respondents and shall pass a reasoned order in respect of the representation dated 21.08.2026 as submitted by the writ petitioners and shall forthwith communicate the reasoned order both to the writ petitioners and the private respondents soon thereafter.

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

14. It is further directed that in the event while passing the reasoned order the respondent No. 3 /authority finds that there occurred an encroachment over the disputed plot at the instance of the private respondents, he is directed to take all consequential action for removal of the said encroachment forthwith.

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

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

17. Liberty is given to the learned advocate-on-record for the writ petitioners to communicate the server copy of this order both to the respondent Nos.3 and 6, who are directed to act on the server copy of this order.

18. 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 21.08.2026 and, thus, all points are kept open for adjudication by the respondent no.3/ authority.

19. 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.)

Later:

At 12.34 p.m.: After passing of the order Mr. Dyutiman Banerjee, learned advocate appears on behalf of the private respondent No.11.

(Partha Sarathi Sen , J.)