

01.12.2025
Ct. No.19
Sl. No.21
akd

W. P. A. 6859 of 2025

[Smt. Asima Mondal -Vs- The State of West Bengal & Ors.]

Mr. Aasif Iqbal
Mr. Debdip Mandal
... ... for the petitioner

Ms. Afreen Begum
Mr. Dip Dutta
... ... for respondent no.10

Mr. Supratim Dhar .. Sr. Advocate
Ms. Tuli Sinha
... ... for the State

1. The petitioner claims to be the recorded owner of L.R. Dag No. 110, Khatian No. 2978, J.L. No. 156 within Mouza: Karanjali, in the district of 24-Parganas (South). The petitioner states that there is a highway from Kakdwip to Kulpi adjacent to the plot of the petitioner. The petitioner alleges that the private respondents have made illegal construction on the PWD road thereby causing obstruction to the ingress and egress of the petitioner from his property to the PWD road.
2. Affidavit-of-service filed in court today is taken on record. State and the private respondent no.10 are represented by their respective learned advocates. In spite of service, none appears for the other private respondents.
3. The learned advocate appearing for the private respondent no.10 submits that the tenth respondent is in possession of a portion of the property by constructing a tin shaded structure. She further submits that the structure was constructed after obtaining necessary permission from the concerned authority and the private respondent no.10 is carrying

on business after obtaining requisite permission from the Panchayat authority. The private respondent is also enjoying supply of electricity through a meter standing in the name of the private respondent installed at the said tin shaded structure by the West Bengal State Electricity Distribution Company Limited.

4. It appears from the materials disclosed in the writ petition that the Assistant Engineer, Diamond Harbour Sub-Division by letter dated March 12, 2025 requested the Block Land and Land Reforms Officer, Kulpi to take necessary steps to demarcate the land in question.

5. The learned advocate appearing for the petitioner submits that in the meantime the demarcation has already been made and a copy of the report of the Block Land and Land Reforms Officer, Kulpi has been supplied to the petitioner. The learned advocate for the petitioner files copy of the report dated 01.07.2025, which is taken on record. A copy of such report has been supplied to the learned advocate appearing for the tenth respondent in course of hearing of this writ petition.

6. The report states that Plot No. 110 is under the possession of the petitioner and a construction is found underway in that portion and the petitioner is also possessing 0.025 acres (approx) i.e. 2.5 decimals (22'2" x 48'6") in Plot No. 111 which is the Works and Building Department's land having classification '*shali*' which is in front of her occupied portion in Plot No. 110. The said report also indicates that the private respondents are occupying portions of Plot No. 117 and the petitioner is also enjoying a narrow strip of land in Plot No. 117 as a thoroughfare to her Plot No. 110.

7. After going through the report and the sketch map appended thereto, it prima facie appears to this court that there has been an encroachment upon the PWD road. Section 10(1) of the West Bengal Highways Act, 1964 provides for removal of encroachment if it is found that there has been an encroachment on any road, street, path, way or land which is declared to be a highway under sub-section (1) of Section 3 or any person makes an encroachment on a highway in contravention of the provisions of Section 8 or does not remove an encroachment on the expiry or cancellation of any permit granted to him.

8. It appears from the report dated July 1, 2025 that a copy of such report has been forwarded to the Assistant Engineer, Diamond Harbour National Highway Sub-Division vide Memo dated July 1, 2025. In view thereof, the Assistant Engineer, Diamond Harbour National Highway Sub-Division, Public Works (Roads) Directorate, South 24-Parganas being the third respondent is directed to take necessary steps in terms of Section 10 of the West Bengal Highways Act, 1964 and to complete the entire exercise under the said provision as expeditiously as possible but positively within a period of four weeks from the date of receipt of a server copy of this order. The third respondent is directed to circulate the copy of the report dated July 1, 2025 along with the sketch map to the persons who may be affected by any decision to be taken by such authority. Such circulation is to be made within a period of one week from date.

9. The learned Advocate-on-record for the State is directed to communicate this order to the third respondent forthwith.

10. With the aforesaid observations and directions, the writ petition is disposed of.

11. There shall be no order as to costs.
12. All parties are to act on a server copy of this order duly downloaded from the official *website* of this Court.

(Hiranmay Bhattacharyya, J.)