

WPA 9290 of 2025

Rafikul Molla & Anr.
-versus-
The State of West Bengal & Ors.

Mr. Sandipan Maity
... for the petitioners

Mr. Supratim Dhar, Sr. Advocate
Ms. Tulsi Sinha
..for the State

The petitioners claim to be the co-owners of L.R. Dag No. 75 and 368 within Mouza Matgaran under Police Station Basanti in the District of 24 Parganas (South). The petitioner alleges that there has been illegal and forceful encroachment upon the PWD land situated in front of the raiyati land of the petitioners as a result of which the ingress and egress of the petitioners from their property to the PWD road is being obstructed. The petitioners claim to have submitted a representation before various authorities including the Assistant Engineer, Public Works Department (PWD) Roads, South 24 Parganas being the 5th respondent.

The grievance of the petitioner is that till date no steps have been taken by the 5th respondent.

Mr. Dhar, learned senior advocate appears for the State. He submits that immediately after receipt

of the representation, the Assistant Engineer has addressed to the concerned Block Land and Land Reforms Officer praying for making an arrangement for a joint inspection of the plot in question and to provide necessary technical help to precisely demarcate the disputed plot along with ROW of the road and submit a comprehensive report before the Assistant Engineer to enable such authority to take steps in accordance with the West Bengal Highways Act, 1964. He submits that necessary steps shall be taken by the concerned Block Land and Land Reforms Officer pursuant to the request made by the Assistant Engineer being the 5th respondent.

Since an allegation of encroachment of a State Highway has been made, the respondent authorities are duty bound to take steps in accordance with the provisions of the West Bengal Highways Act, 1964. Since a request for an inspection has been made by the Assistant Engineer to the concerned Block Land and Land Reforms Officer, the Block Land and Land Reforms Officer, Basanti being the 6th respondent is directed to conduct a joint inspection of the plot in question and to physically demarcate the disputed plots along with ROW of the road and submit a comprehensive report before the Assistant Engineer, Public Works Department (Roads), South 24 Parganas being the 5th respondent within a period of

three weeks from the receipt of a server copy of this order. It will be open to the Block Land and Land Reforms Officer to depute competent amins/surveyors for the purpose of conducting the inspection and demarcation and such inspection and demarcation shall be conducted upon prior service of notice to the petitioners and the persons who may be affected/interested in the said demarcation. Immediately upon receipt of the report from the Block Land and Land Reforms Officer, the Assistant Engineer, Canning Highway Sub-Division, Public Work (Roads) Directorate being the 5th respondent shall take steps in accordance with the West Bengal Highways Act, 1964 and conclude the proceedings as expeditiously as possible but positively within a period of four weeks from the date of receipt of the report from the Block Land and Land Reforms Officer.

With the above observations, WPA 9290 of 2025 stands disposed of.

No order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Hiranmay Bhattacharyya, J.)