

Court No. 551
(266306)

18.12.2025
(AD 574)
(S. Banerjee)

WPA 12462 of 2024

Maya Rani Paria
Vs.
State of West Bengal & Ors.

Mr. Sujit Bhunia

...for the petitioner

Sk. Md. Galib

...for the State

Mr. Santimay Bhattacharya

Mr. Ziaul Haque

...for the respondent nos. 10 and 11

This writ petition was filed seeking issuance of a Writ of Mandamus commanding the respondent-State authorities to “to remove the unauthorized encroachment and illegal construction upon the public land adjacent to Debra-Marhtala Road which is adjacent ot plot no. 136, Mouza – Belgeria, J. L. No. 256, Khatina No. 128, P.S. – Debra, District – Paschim Medinipur”.

By an order dated November 26, 2024, a report in the form of an affidavit was called for from the State-respondents.

The respondent nos. 10 and 11 have filed report in the form of an affidavit indicating that the land which forms the subject-matter of this writ petition,

falls within the jurisdiction of the PWD authorities. Such report is taken on record.

The petitioner has also filed an exception to the said report. The same is also taken on record.

Mr. Galib, learned advocate appearing for the respondent PWD authorities hands up the Court a copy of the instruction dated August 27, 2025 wherefrom it appears that a notice under Section 10(2) of the West Bengal Highways Act, 1964 has already been issued by the Assistant Engineer to the Sub-Divisional Magistrate thereby requesting the addressee authority to take appropriate steps for complete removal of unauthorised structures from PWD land. The said notice reads as follows:

“With reference to the above Unauthorized Construction on Govt. (PWD-Roads) Land (Plot No. – 1; Mouza – Panchgerya; J.L. No. – 250) of Debra – Marotala Road adjacent to Plot No. 136, Mouza – Belgeria, J.L. No. – 256, P.S. – Debra, Dist. – Paschim Medinipur, PIN – 721156; in the district of Paschim Mediniur, inconnection with W.P.A. No. – 12462 of 2024. Notice was served to the unauthorized encroachers as per West Bengal Highway Act 1964 with a direction to remove the unauthorized structure within the specified time limit but encroachers have not removed the structures till now.

Sl. No.	Name of the Encroacher	Address
1.	Smt. Golapi Murmu	Wife of Late Nalini Murmu, Vill – Belgeria, P.O. – Panchgeria, P.S. – Debra, Dist. – Paschim Medinipur, PIN – 721156.
2.	Smt. Alladi Murmu	Daughter of Golapi Murmu, Vill – Belgeria, P.O. – Panchgeria, P.S. – Debra, Dist. – Paschim Medinipur, PIN – 721156.

Under this circumstances, as per West Bengal Highway Act 1964 Section 10(2), you are requested to take necessary arrangement to complete the removal of unauthorized structure from Govt. (PWD-Roads) land on the above mentioned location.”

It is, therefore, evident that the respondent authorities have already initiated action against the encroachers in terms of the relevant provisions of the West Bengal Highway Act, 1964. It is expected that the authorities would take the proceedings to their logical legal conclusion.

In such view of the matter, nothing further remain to be decided in the present writ petition.

WPA 12462 of 2024 stands disposed of.

There shall be no order as to costs.

(Om Narayan Rai, J.)