

D/L- 15
17/11/2025
Ct. No.-19
Aritra

WPA 15188 of 2025

**Taruna Das
Vs.
The State of West Bengal & Ors.**

Mr. Pankaj Halder
Ms. Seuli Banerjee

....for the petitioner

Mr. Chandi Charan De, AGP
Mr. Anirban Sarkar

....for the State

Mr. Abhik Das Sarkar

....for the respondent No.8

Affidavit of service filed in Court today is taken on record.

In spite of service none appears for the State.

Mr. De, learned Additional Government Pleader, who usually represents the State is present in Court today and is requested to appear in this matter. Let the appointment of Mr. De and a junior of his choice be regularized by the competent authority.

The learned advocate on record of the petitioner is directed to serve a copy of this writ petition upon Mr. De in course of this day.

The petitioner claims to be the recorded owner of Plot No.611 of Mouza-Dhakhinroypur under Police Station-Pathar Pratima in the District of South 24-Parganas. The petitioner states that there is a PWD road adjacent to the aforesaid property of the petitioner and the

private respondent has made an illegal construction by encroaching upon the PWD road thereby obstructing the ingress and egress of the petitioner from his property to the PWD road.

The learned advocate appearing for the private respondent submits that the private respondent is carrying on business after obtaining requisite permission from the concerned Gram Panchayat as well as other authorities. The learned advocate for the private respondent submits that the petitioner has encroached upon the PWD road.

Since the petitioner has alleged that the PWD road has been encroached upon by the private respondent, it is the duty of the competent authority to take steps in accordance with law.

WPA 15188 of 2025 stands disposed of by directing the Assistant Engineer, Kakdwip Highway Sub-Division, being the respondent No.5 to consider the representation of the petitioner dated June 20, 2025 and to dispose of the same in accordance with law.

In the event, it is found that there has been an encroachment on the highway steps in accordance with Section 10 of the West Bengal Highways Act, 1964 shall be initiated which shall be concluded as expeditiously as possible but positively within a period of 6 weeks from the date of receipt of a server copy of this order along with the copy of the representation dated June 20, 2025.

It is however, made clear that in the event it is found that the petitioner has encroached upon the PWD road, the authorities shall also take steps accordingly.

There will be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Hiranmay Bhattacharyya, J.)