

Court No. 19

(265719)

13.11.2025

(AD 14)

(S. Banerjee)

WPA 15840 of 2025

ATD Construction Pvt. Ltd. & Anr.

Vs.

The State of West Bengal & Ors.

Mr. Subhabrata Datta

Mr. Aranya Saha

...for the petitioners

Mr. Supratim Dhar, Sr. Advocate

Mr. Prabir Roy

...for the State

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

Mr. Datta, learned advocate appearing for the petitioners, on instruction, submits that the private respondent has refused to accept the copy of the writ petition.

Refusal amounts to good service.

None appears for the private respondent to oppose the prayer made in the writ petition.

On the prayer of Mr. Datta, learned advocate appearing for the petitioners, leave is granted to the learned advocate-on-record of the petitioners to implead the concerned Assistant Engineer, Public Works Directorate (Roads) as a party-respondent in this writ petition.

Learned advocate-on-record of the petitioners is granted leave to amend the cause-title of the writ petition, here and now.

Since the State is represented by its learned advocate, there is no necessity to serve a copy of the writ petition upon the added respondent. However, the learned advocate-on-record of the petitioners shall be obliged to serve a copy of the amended cause-title of the writ petition upon the learned advocate appearing for the State forthwith.

Petitioners claim to be the recorded owners of several plots of land within Ward No. 24 of Krishnanagar Municipality and there is a PWD road lying on the adjacent south of the plot of the petitioners. The petitioners allege that the private respondent has made an illegal construction on the PWD road in front of the property of the petitioners thereby obstructing the ingress and egress of the petitioners from his property to the PWD road.

Mr. Datta, learned advocate appearing for the petitioners submits that though the representation dated May 20, 2025 was duly received by the respondent authorities, but till date no steps have been taken pursuant to the said complaint.

Mr. Dhar, learned Senior Advocate appearing for the State submits that steps in accordance with the

relevant provisions of the statute shall be taken pursuant to the complaint made by the petitioners within the time limit that may be fixed by this court.

Since an allegation of encroachment of a PWD road has been made, it is the duty of the statutory authority under the statute to take steps in accordance with law.

If it is found that the private respondent or any person has encroached upon the PWD road as alleged in the representation dated May 20, 2025, the Assistant Engineer, Public Works (Roads) Directorate, being the added respondent, is directed to take steps in accordance with the provisions laid down under Section 10 of the West Bengal Highways Act, 1964 by initiating an appropriate proceeding and to conclude the same in accordance with law as expeditiously as possible, but positively within a period of six weeks from the date of receipt of a server copy of this order along with a copy of the representation dated May 20, 2025.

With the above observations and directions, this writ petition stands disposed of.

(Hiranmay Bhattacharyya, J.)