

Item-
ML-33. 01-12-2025

WPA 17118 of 2025

sg Ct. 19

Soma Nayak & Ors.
Versus
Union of India & Ors.

Mr. Sandipan Maity
...for the petitioners
Mr. Asis Mukherjee
...for the UOI
Mr. Soumitra Bandyopadhyay
Mr. Subhasis Bandopadhyay
...for the State

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

The learned Advocate appearing for the petitioners submits that the State as well as the private respondents have been duly served.

None appears for the State and the private respondents.

Mr. Soumitra Bandyopadhyay, learned Senior Government Advocate, who usually represents the State, is present in Court and is requested to appear in this matter along with a junior of his choice.

Let the appointments of Bandyopadhyay along with junior be regularized by the concerned authority.

A copy of this writ petition be served upon the junior of Mr. Bandyopadhyay in course of this day.

The petitioners claim to be owners of the LR Dag Nos. 3043, 3048, 2885 and 2886, within Mouza Marishda, under Police Station Marishda in the District of Purba Medinipur. The petitioners state that there is a highway maintained by the Public Works Department of Government

of West Bengal adjacent to the aforesaid plots of the petitioners. The petitioners allege that the private respondents have encroached upon the PWD road thereby obstructing the ingress and egress of the petitioners from their plots to the PWD road. The petitioners submitted a representation dated June 23, 2025 before various authorities including the Assistant Engineer, Contai National Highway Sub-Division, Public Works (Road) Directorate, being the respondent no.5.

The learned Advocate appearing for the petitioners submits that in spite of receipt of such representation, no steps have been taken by the respondent authorities.

Since the representation has been submitted before the concerned authority alleging encroachment upon the PWD road, it is the duty of the respondent authority to take steps in accordance with law.

Mr. Bandyopadhyay submits that the necessary steps shall be taken within the time limit as may be fixed by this Court.

In the light of the submission made by the learned Advocate for the respondent authorities, WPA 17118 of 2025 stands disposed of by directing the Assistant Engineer, Contai National Highway Sub-Division, Public Works (Road) Directorate, Government of West Bengal, being the respondent no.5, to consider the representation of the petitioner dated 23rd June, 2025 and if upon consideration of the said representation and making necessary inquiries, it is found that there has been encroachment upon the PWD road, steps in accordance with the provisions of Section 10 of the West Bengal Highways Act, 1964 shall be taken and the

entire exercise under the said provision shall be completed as expeditiously as possible but positively within a period of eight weeks from the date of receipt of the server copy of this order along with a copy of the representation dated 23rd June, 2025.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Hiranmay Bhattacharyya, J.)