

29.07.2025
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Ct.No.7
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WPA No. 21251 of 2021

Achintya Biswas
Vs.
State of West Bengal & Ors.

Mr. Atis Kumar Biswas
Mrs. Jyoti Agarwal
....for the petitioner

Mr. Bhaskar Prasad Vaisya, learned AGP
Mr. Nilay Baran Mandal
..... for the State

Mr. Debabrata Mondal
Mrs. Sreetama Neogi
Ms. Ditipriya Mandal
Mr. Chinmay Mukherjee
.... for the respondent nos. 12 & 13

The present writ petition has been preferred alleging inaction on the part of the Assistant Engineer, PWD (Road), in considering the petitioner's representation dated 19th December, 2021.

Mr. Biswas, learned Advocate representing the petitioner, submits that the private respondent nos. 12 and 13 have encroached upon a portion of the land belonging to the PWD (Road) and have made a construction thereon, thereby obstructing the petitioner's ingress and egress to his own property. He further submits that this fact was brought to the notice of the Assistant Engineer, PWD (Road), by way of a representation. However, despite receiving the

petitioner's representation, no steps have been taken in this regard. This prolonged inaction has compelled the petitioner to file the present writ petition. He prays for an appropriate direction upon the concerned Assistant Engineer to take necessary steps to remove the unauthorized encroachment from the land belonging to the PWD (Road).

Mr. Mondal, learned Advocate representing private respondent nos. 12 and 13, vehemently opposes the contention advanced by Mr. Biswas, learned Advocate. He submits that the petitioner has also encroached upon a portion of the land belonging to the PWD (Road). He further submits that not only the petitioner but some other occupiers in the locality have similarly encroached upon the land belonging to the PWD (Road). He submits that these encroachments should also be removed by the Assistant Engineer of PWD (Road).

Mr. Vaisya, learned Additional Government Pleader, produces a written instruction and submits that upon receipt of the petitioner's representation, a preliminary enquiry was conducted, and a date has been fixed for further enquiry on 21st August, 2025. Written instruction as produced by Mr. Vaisya, learned Additional Government Pleader, is taken on record.

Heard the learned Advocates representing the respective parties and perused the materials on record. Taking note of the submissions advanced by Mr. Vaisya

and considering the written instructed submitted by him, it appears that upon receipt of the complaint from the petitioner, the concerned respondent has conducted a preliminary enquiry and a date has been fixed for further enquiry on 21st August, 2025. It is expected that such enquiry shall be conducted in the presence of the petitioner, private respondents, other interested persons, and the competent authority. After completion of the enquiry by the Block Land and Land Reforms Officer (hereinafter referred to as the BL & LRO), a report shall be sent to the concerned Assistant Engineer who, after affording an opportunity of hearing to the petitioner and other interested parties, shall pass a reasoned order. If it is found that the land belonging to the PWD (Road) has been unlawfully encroached upon by any person, appropriate steps shall be taken in accordance with law.

The entire exercise shall be completed within a period of twelve weeks from the date of communication of this order.

With these observations and order, the writ petition is, thus, disposed of.

There shall be no order as to costs.

(Partha Sarathi Chatterjee, J.)