

D/L- 24
11/11/2025
Ct. No.-19
Aritra

WPA 21066 of 2025
Chandan Kumar Das & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Raj Kr. Sain
Mr. Avijit Roy

....for the petitioners

Mr. Soumitra Bandyapadhyay
Mr. Srinath Singha Roy

....for the State

Mr. Salil Kumar Maiti

....for the respondent No.8

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

The petitioners claim to be the recorded owner of L.R. Plot Nos.855, 861 and 862 within Mouza-Garkamalpur, Police Station-Mahishadal, District-Purba Medinipur which is lying and situated just adjacent to the PWD roads. The petitioners state that the private respondent has erected an unauthorised and illegal construction over the PWD roads thereby covering and blocking the front portion of the raiyati land of the petitioners. The petitioners state that due to the illegal construction raised by the private respondent the ingress and egress of the petitioners from their property to the PWD road is being obstructed.

The learned advocate appearing for the petitioner submits that the petitioner has submitted a representation dated July 18, 2025 before various authorities including

the Assistant Engineer, Haldia Highway Sub-Division, PWD (Roads) Directorates being the respondent No.5, but in spite of receipt of such representation the respondent authorities have not taken any steps on the complaint made by the petitioner.

The learned advocate appearing for the respondent No.8 disputes the submission made by the learned advocate for the petitioner. He submits that the respondent No.8 has not made any illegal and unauthorised construction encroaching upon the PWD road. He submits that the private respondent has made a construction on L.R. Plot No.857 which belongs to the private respondent and no construction has been made on the PWD road. He further submits that the instant writ petition is a counter-blast of the civil suit filed by the respondent No.8 against the petitioners being Title Suit No.3 of 2025 which is pending before the learned Civil Judge (Jr. Div.), Haldia.

Mr. Bandyapadhyay, learned senior Government advocate appears and submits that pursuant to the representation submitted by the petitioner, the concerned Assistant Engineer, Haldia Highway Sub-Division, PWD (Roads) Directorate has requested the concerned Block Land & Land Reforms Officer to cause an inspection of the property in question and to demarcate the same.

The concerned Block Land & Land Reforms Officer, Mahishadal, District-Purba Medinipur, being the respondent No.6 is directed to cause an inspection of the

property and to demarcate the property in question and submit a report before the Assistant Engineer, Haldia Highway Sub-Division, PWD (Roads) Directorates, being the respondent No.5 within a period of 3 weeks from the date of receipt of a server copy of this order indicating whether there has been any encroachment upon the PWD Road.

Needless to mention that such inspection and demarcation shall be carried out upon prior service of notice to the petitioner, the private respondent and any person who may be affected by such demarcation.

In course of hearing, the learned advocate appearing for the respondent No.8 has produced the copy of the plaint in Title Suit No.3 of 2025. After going through the pleadings of Title Suit No.3 of 2025, this Court finds that the respondent No.8 claims to have a house property on Dag No.857 and has filed the suit claiming the easementary right over plot Nos.862 i.e. the property of the petitioners. From the sketch map appended to the plaint it appears that there is a road on the northern portion of Dag Nos.861, 862 and 857.

After considering the averments made in the plaint, this Court is of the considered view that the subject matter of Title Suit No.3 of 2025 and the issues raised in this writ petition are completely different.

For such reason, this Court holds that mere pendency of Title Suit No.3 of 2025 cannot be a ground for not entertaining the instant writ petition.

For such reason, this Court is inclined to entertain this instant writ petition.

If upon receipt of the report by the concerned Block Land & Land Reforms Officer, the Assistant Engineer, Haldia Highway Sub-Division, PWD (Roads) Directorates, being the respondent No.5 finds that there has been an encroachment upon the highway, the respondent No.5 shall initiate appropriate proceeding under the West Bengal Highways Act, 1964 and to conclude the same as expeditiously as possible but positively within a period of 4 weeks from the date of receipt of the report from the concerned Block Land & Land Reforms Officer.

With the above observations and directions, WPA 21066 of 2025 stands disposed of.

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.)