

Sl.27
11.11.2025
Court No.19
BP

WPA 21918 of 2025

Ashes Kumar Pahari & Ors.
-versus-
The State of West Bengal & Ors.

Mr. Raj Kumar Sain
Mr. Avijit Roy
..for the petitioners

Mr. Chandi Charan De, Ld. Addl. Govt. Pleader
Mr. P. Das
..for the State

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

The learned advocate appearing for the petitioners submits that the private respondents have been duly served.

In spite of service none appears for the private respondents.

The petitioners claim to be the recorded owners of L.R. Plot Nos. 800 and 801 within Mouza Khanjanchak under Police Station Durgachak in the District of Purba Medinipur. The petitioners state that adjacent to the property of the petitioners there is a PWD road and the private respondents have raised illegal unauthorised construction on the public roads thereby obstructing the ingress and egress of the petitioners from their property to the PWD roads.

The petitioners submitted a representation dated 5th May, 2025 before the various authorities including

Assistant Engineer, Haldia Highway Sub-Division, PWD(Roads), Purba Medinipur being the 5th respondent herein.

The learned advocate appearing for the petitioners submits that in spite of the fact that the representation alleging encroachment upon the PWD roads have been made no steps have been taken by the authorities till date.

Mr. De, learned Additional Government Pleader appears for the State and submits that some time may be given to the respondent authorities to take steps on the basis of the representation made by the petitioners.

Since an allegation of encroachment of the State Highway has been made, the authorities are under a statutory obligation to take steps in accordance with law and to remove the encroachment upon the State Highways.

Without entering into the merits of the case made by the petitioners in the representation dated 5th May, 2025, WPA 21918 of 2025 stands disposed of by directing the Assistant Engineer, Haldia Highway Sub-Division, PWD (Roads), Purba Medinipur being the 5th respondent to consider the representation of the petitioners dated 5th May, 2025 and in case it is found that there is any encroachment upon the PWD roads steps in accordance with the provisions laid down under Section 10 of the West Bengal State Highways Act, 1964 shall be initiated

and such proceeding shall be completed as expeditiously as possible but positively within a period of four weeks from the date of receipt of a server copy of this order along with a copy of the representation dated 5th May, 2025.

Since no affidavits have been called for the allegations contained in the writ petition shall not be deemed to have been admitted.

There shall be, however, no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Hiranmay Bhattacharyya, J.)