

D/L- 19
26/11/2025
Ct. No.-19
Aritra

WPA 24352 of 2025

**Subha Mahapatra
Vs.
State of West Bengal & Ors.**

Mr. Salil Kumar Maiti
Ms. Dolan Samanta

....for the petitioner

Mr. Lalit Mohan Mahat, AGP
Mr. Prasanto Behari Mahata

....for the State

Mr. Ziaul Haque

....for the respondent Nos.7 to 10

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

The petitioner claims to be the owner of a portion of L.R. Plot No.37 within Mouza-Sijberya under Police Station-Sutahata in the District of Purba Midnapore.

The petitioner states that there is road in front of the aforesaid property of the petitioner maintained by the Public Works Department of the State Government. The petitioner alleges that the private respondents have raised an illegal and unauthorised construction by encroaching upon the PWD road thereby obstructing the ingress and egress of the petitioner from his property to the PWD road. The petitioner submitted a representation before various authorities including the Assistant Engineer, Public Works (Roads), Directorate, Haldia Highway Sub-Division being

the respondent No.3 praying for removal of encroachment upon the PWD road.

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

The learned advocate appearing for the private respondents submits that the private respondents are the owners of the portion of Dag No.38. The learned advocate appearing for the private respondents, on instruction, submits that the private respondents have made construction on Plot No.38 and have not made any construction on Plot No.424.

Mr. Mahata, learned Additional Government Pleader files the report of the Block Land & Land Reforms Officer dated November 12, 2025, which is taken on record. He submits that the concerned Block Land & Land Reforms Officer has undertaken inspection of the disputed plots through the concerned Revenue Inspector and a sketch map has been prepared indicating that two bamboo fencing houses of Taraknath Majhi with Pink and Blue colour respectively with identification mark "A" and "B". He submits that free space of 20 ft. wide is available from the land of the petitioner through the Nayanjuli to the *Pucca* road.

Heard the learned advocates for the respective parties and perused the materials placed.

After going through the report of the Block Land & Land Reforms Officer dated November 12, 2025 it appears that Plot No.37/424 has been classified as "*Rastar Jami*" and the said area has been recorded in the name of Development Roads Department under L.R. Khatian No.337 measuring an area of about 0.04 acre.

Thus it *prima facie* appears that there has been an encroachment on Plot No.37/424 which is recorded in the name of the Development Roads Department. From the sketch map it appears that bamboo fencing house of the private respondent measuring about 14'/20' and 10'/15' is situated on Plot No.37/424.

The learned advocate appearing for the private respondent submits that the bamboo fencing houses as indicated in the sketch map prepared by the Block Land & Land Reforms Officer do not belong to the private respondents. If that be so, the private respondents cannot have any objection for removal of the aforesaid bamboo fencing houses constructed on Plot No.37/424.

Since the petitioner has submitted a representation alleging encroachment upon the PWD road it is the duty of the respondent No.3 to take steps in accordance with the provisions of Section 10 of the West Bengal Highways Act, 1964.

The Block Land & Land Reforms Officer, Sutahata-I being the respondent No.6 is directed to forward a copy of the report dated November 12, 2025 filed in Court today to

the Assistant Engineer Public Works (Roads), Directorate, Haldia Highway Sub-Division being the respondent No.3 within a period of 1 week from date. Immediately upon receipt of the said report, the respondent No.3 shall take appropriate steps under the provision of Section 10 of the West Bengal Highways Act, 1964 pursuant to the representation submitted by the petitioner and shall complete the entire exercise under the said provision as expeditiously as possible but positively within a period of 8 weeks from the date of receipt of the report from the respondent No.6.

With the above observations WPA 24352 of 2025 stands disposed of.

It will be open the respondent No.3 to give an opportunity of hearing to the petitioner and any of the parties who may be affected by any decision that may be taken on the basis of representation of the petitioner.

Needless to mention that if the respondent No.3 arrives at a conclusion that there has been an illegal encroachment on the PWD road, consequential steps thereafter shall be taken as expeditiously as possible.

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.)