

Item-
27. 25-11-2025

WPA 26052 of 2024

sg Ct. 19

Prakash Chandra Mondal alias
Prakash Kumar Mondal & Ors.
Versus
The State of West Bengal & Ors.

Mr. Subhas Ch. Dutta
Ms. Papiya Naskar
...for the petitioners
Mr. Suman Sengupta
Mr. Samsuddha Dutta
...for the State

On the prayer of the learned Advocate for the petitioners, leave is granted to the learned Advocate for the petitioners to implead the Assistant Engineer Director of Public Works Department, Palassey Highway Sub-Division, Palassey, Nadia, as a party respondent to this writ petition.

Let such amendment of the cause title of this writ petition be carried out, here and now.

Since the State is represented, there is no necessity to serve a fresh copy of the writ petition upon the added respondent. However, the learned Advocate-on-Record for the petitioners shall be obliged to serve amended copy of the writ petition upon the learned Advocate for the State forthwith.

The petitioners claim to be the owners of RS plot no 46, within Mouza Mahishakhola, under Police Station Karimpur, in the District of Nadia. The petitioners state that, in the front portion of the aforesaid property, there is a State Highway running from Krishnanagar to Karimpur. The petitioners allege that the private respondents have

constructed shop rooms in front of the aforesaid property of the petitioners thereby obstructing the ingress and egress of the petitioners from the aforesaid plot of land to the PWD road. The petitioners submitted representation before the Assistant Engineer, Public Works (Road) Directorate, Palassey Highway Sub-Division, being the added respondent herein, praying for removal of the encroachment from the PWD road.

The learned Advocate appearing for the State submits that in the writ petition the petitioners have stated that there is an existing house property on the aforesaid plot of land but in the record of rights the land in question has been classified as 'Aush'. He submits that it does not appear from the record of rights that there is house property.

Entries in the record of rights though carry the presumption as to the correctness but the same is a rebuttable presumption. The record of rights is not a document of title. It is a document of possession. Whether the classification of the land is 'Aush' or has been converted to a homestead land, is not the subject matter of this writ petition. The issue that arises for consideration in this writ petition is whether there has been an encroachment on the PWD road. Since the allegation of encroachment of PWD road has been made, it the duty of the respondent authority to take steps in accordance with law.

In the light of the submissions made by the learned Advocate for the respective parties, WPA 26052 of 2025 is disposed of by directing the Assistant Engineer, Public Works (Roads) Directorate, Palassey Highway Sub-Division, being

the added respondent, to consider the representation of the petitioners dated 9th September, 2025 and if it is found that there is an encroachment on the PWD road, steps shall be taken in accordance with Section 10 of the West Bengal Highways Act, 1964 and the entire exercise shall be completed as expeditiously as possible but positively within a period of six weeks from the date of receipt of the server copy of this order along with copy of the representation dated 9th September, 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.)