

Sl. 4
04.12.2025
Court No.19
BP

WPA 26073 of 2025

Sumanta Biswas & Ors.
-versus-
The State of West Bengal & Ors.

Mr. Mobaidur Hossain
..for the petitioners

Mr. Vivekananda Bose
Mr. Nirmalya Roy
..for the State

Ms. Sulagna Sen
..for the private respondent

The petitioners claim to be the owner of land measuring about 10 decimals lying and situated in R.S. Dag No. 172, R.S. Khatian No. 1149/1249 J.L. No. 16 within Mouza Bundainaga under Police Station Nowda in the District of Murshidabad. The petitioners state that adjacent to the land of the petitioners there is a pucca road maintained by the Public Works (Roads) Directorate running from Beldanga to Amtala. The petitioners allege that the private respondents have illegally constructed shop room by encroaching upon the PWD road thereby causing obstruction to the ingress and egress of the petitioners from their property to the PWD road. The petitioners submitted a representation before the Assistant Engineer, Berhampore Highway Sub-Division, Public Works (Roads) Directorate being the 6th respondent

requesting such authority to remove the encroachment from PWD road.

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

The learned advocate appearing for the private respondents denies the allegation of the petitioners.

The learned advocate appearing for the State submits that pursuant to the representation submitted by the petitioners, the concerned Assistant Engineer by a letter dated November 24, 2025 requested the Block Land and Land Reforms Officer, Nowda Block to demarcate the Government land in front of plot of land being Dag No. 172 within Mouza Bundainaga under Police Station Nowda in the District of Murshidabad and to submit a report before the Assistant Engineer at the earliest.

The learned advocate appearing for the State, in his usual fairness, submits that no steps thereafter has been taken. He submits that steps in accordance with law shall be taken by the authorities within the time limit that may be fixed by this Court.

Since an allegation of encroachment upon the PWD road has been made, it is the duty of the respondent authorities to take steps in accordance with law.

In the light of the submissions made by the learned advocates for the respective parties, WPA 26073 of 2025 stands disposed of with the following direction:

1. The Block Land and Land Reforms Officer, Nowda being the 7th respondent is directed to complete the entire work of demarcation as per the direction of the concerned Assistant Engineer vide memo dated November 24, 2025 and to prepare a report along with a sketch map and forward such report to the Assistant Engineer, the petitioners and any other person who may be affected by such demarcation.
2. The aforesaid exercise 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.
3. It is, however, made clear that the work of demarcation shall be carried by the concerned Block Land and Land Reforms Officer upon prior service of notice to the petitioners and any other person who may be affected by such demarcation. Upon receipt of the report from the concerned Block Land and Land Reforms Officer, the Assistant Engineer, Berhampore Highway Sub-Division, Public Works (Roads) Directorate being the 6th respondent shall take steps in accordance with Section 10(1) and Section 10 of the West Bengal Highways Act, 1964 if any encroachment is found and shall complete the entire exercise under the said provision as

expeditiously as possible but positively within a period of four weeks from the date of receipt of a copy of the report from the concerned Block Land and Land Reforms Officer.

With the above observations and directions, WPA 26073 of 2025 stands disposed of.

The instructions of the Assistant Engineer, Berhampore Highway Sub-Division, P.W.(Roads) Directorate filed by the State is taken on record.

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.)