

03.12.2025
Sl. No. 14
Ct No. 19
tkm

WPA 26761 of 2025

**Madhab Kumar Biswas
Vs
The State of West Bengal & Ors.**

Mr. Siddhartha Sarkar
Mr. Sourav Gupta
... for the petitioner

Mr. Bibek Jyoti Basu
Ms. Reshma Chatterjee
... for the State

Mr. Avishek Prasad
Mr. Souradeep Singha
... for respondent no. 5

1. Affidavit of service filed in court today be kept on record.
2. On the prayer of the learned advocate for the petitioner, leave is granted to the learned advocate on record of the petitioner to add the Block Land and Land Reforms Officer, Harirampur Block as a party respondent in this writ petition.
3. Let such amendment be carried out, here and now.
4. Since the State is represented by Mr. Basu, learned senior counsel, there is no further necessity to serve a copy of this writ petition upon the added respondent.
5. However, the learned advocate on record of the petitioner shall be obliged to forward a copy of the

amended cause title of this writ petition to the learned advocate for the State forthwith.

6. The petitioner claims to be the owner of LR Dag no. 728, Mouza Dhanaipur under P.S Harirampur in the district of Dakshin Dinajpur.

7. The petitioner submits that a PWD road is running adjacent to the aforesaid property of the petitioner. The petitioner alleges that the private respondent has made an illegal 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 dated 12th September 2025 before the Assistant Engineer, Buniadpur Highway Sub-Division, PW (Roads) Directorate, being the 3rd respondent.

8. Learned advocate appearing for the petitioner submits that in spite of receipt of such representation, no steps have been taken by the respondent authority.

9. Learned advocate appearing for the respondent no. 5 denies the allegation made in the writ petition. He however, submits that no construction has been made by the private respondent encroaching upon the PWD road.

10. Mr. Basu, learned senior counsel for the State submits that upon receipt of such representation, steps have been taken by the concerned Assistant

Engineer and a memo dated November 26, 2025 has been issued by such authority requesting the Block Land and Land Reforms Officer, Harirampur Block to demarcate the plot being 717 and submit the demarcation report at the earliest.

11. Mr. Basu in his usual fairness submits that no steps thereafter have been taken by the respondent authorities. He however, submits that the work of demarcation and all consequential steps thereafter shall be taken within the time limit as may be fixed by this court.

12. Report submitted by the Assistant Engineer, Buniadpur, Highway Sub-Division, PW(Roads) Directorate is taken on record.

13. In light of the submissions made by the learned advocates for the respective parties WPA 26761 of 2025 stands disposed of with the following directions:

- i) The Block Land and Land Reforms Officer, Harirampur being the added respondent is directed to complete the entire work of demarcation as per requisition sent by the concerned Assistant Engineer vide memo dated November 26, 2025 and prepare a demarcation report with the sketch map within a period of four weeks from the date receipt of a server copy of this order.

- ii) Needless to mention that the work of demarcation shall be carried out upon prior service of notice to the petitioner and any other person who may be affected by such demarcation.
- iii) The added respondent shall forward the copy of the demarcation report along with the sketch map and other materials to the Assistant Engineer, Buniadpur Highway Sub-Division PWD (Roads) Directorate, being 3rd respondent immediately thereafter as well as upon the petitioner and any other affected parties.
- iv) Immediately upon receipt of the copy of the report, the Assistant Engineer, being 3rd respondent shall take consequential steps in terms of section 10 of the 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 receipt of the copy of the demarcation report from the concerned Block Land and Land Reforms Officer.

(Hiranmay Bhattacharyya, J.)