

Court No. 19

(265719)

13.01.2026

(AD 8)

(S. Banerjee)

WPA 219 of 2026

Santanu Manna

Vs.

The State of West Bengal & Ors.

Mr. Raj Kumar Sain

...for the petitioner

Mr. Rameshwar Sinha

...for the State

Mr. Sankar Nath Mukherjee

Mr. Niraj Gupta

Ms. Manisha Paswan

...for the respondent nos. 9 and 10

The petitioner claims to be the recorded owner of LR plot no. 200, Khatian no. 166, JL No. 251, Mouza – Dhubni under Police Station – Debra in the district of Paschim Medinipur. The petitioner states that a PWD road is running adjacent to the aforesaid property of the petitioner. The petitioner alleges that the private respondents have erected structures by encroaching upon the PWD road thereby causing obstruction to the ingress and egress of the petitioner from his property to the PWD road. The petitioner submitted a representation dated November 17, 2025 before the Assistant Engineer, Keleghai Bridge Highway Sub-Division, Public Works Department (Roads). Learned advocate appearing for the petitioner

submits that in spite of receipt of such representation, no steps have been taken by the said respondent to remove the said encroachment.

Learned advocate appearing for the private-respondents submits that they are artisans and for the purpose of carrying on their trade and business they have erected certain structures. He submits that the private-respondents are carrying on business after obtaining requisite license from the municipality. The private-respondents are also enjoying supply of electricity from the WBSEDCL. Learned advocate appearing for the private-respondents submits that they are in occupation for more than 30 years.

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

Learned advocate appearing for the petitioner submits that the State-respondents have been duly served.

However, none appears for the State. Mr. Sinha, learned advocate, who usually represents the State is present in Court today and is requested to appear in this matter.

Copy of the writ petition has been served upon the said learned advocate.

Let the appointment of Mr. Sinha be regularised by the concerned authority.

Since an allegation of encroachment of a PWD road has been made, it is the duty of the respondent authorities to take a decision on such issue and to remove the encroachment, if any.

In the light of the submissions made by the learned advocates for the respective parties and without entering into the merits of the claims made by the petitioner in the representation dated November 17, 2025, this writ petition stands disposed of by directing the Assistant Engineer, Keleghai Bridge Highway Sub-Division, Public Works Department (Roads), Balichak, being the 5th respondent herein, to consider the representation of the petitioner dated November 17, 2025 and after making necessary enquiries and demarcation in the presence of the petitioner and the private-respondents, and if any encroachment upon the Highway is found, necessary action in accordance with Section 10 of the West Bengal Highways Act, 1964 shall be initiated and the entire exercise under the said provision shall be completed as expeditiously

as possible but positively within a period of six weeks from the date of receipt of a server copy of this order along with a copy of the representation dated November 17, 2025. The said respondent authority shall consider the claim made by the petitioner and the defence of the private-respondent at the time of taking a decision on the said issue.

(Hiranmay Bhattacharyya, J.)