

Sl.14
15.01.2026
Court No.19
BP

WPA 636 of 2026

Manas Kumar Dutta
-versus-
The State of West Bengal & Ors.

Mr. Soumen Dutta
Mr. Subham Dutta
..for the petitioner

Mr. Anit Kumar Rakshit
Mr. Sk. M. Rahaman
..for the State

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

On the prayer of the learned advocate for the petitioner, leave is granted to the learned advocate on record of the petitioner to amend the cause title of the writ petition insofar as the description of the respondent nos. 3 and 4 are concerned.

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

The learned advocate on record of the petitioner shall be obliged to supply a copy of the amended cause title of the writ petition upon the learned advocate for the State forthwith.

The petitioner claims to be the owner of a portion of Plot No. 209, Khatian No. 478 within Mouza Satupur under Police Station Bhagwanpur in the District of Purba Medinipur measuring about 5 decimals. The petitioner states that there is a PWD road running from

Bhagwanpur to Golapukur just adjacent to the property of the petitioner. The petitioner alleges that the private respondents have erected an 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 dated 8th December, 2025 requesting the Assistant Engineer, Public Works Department (Roads) to remove the unauthorised construction encroaching upon the PWD road.

Mr. Dutta, learned advocate appearing for the petitioner submits that in spite of receipt of such representation no steps have been taken by the said respondent authority to remove the encroachment from the PWD road.

Such submission of Mr. Dutta is disputed by the learned advocate appearing for the State.

He submits that immediately upon receipt of the representation from the petitioner the concerned Assistant Engineer has issued a memo dated December 17, 2025 requesting the Block Land and Land Reforms Officer, Bhagwanpur-I to demarcate the road side Government land which belongs to the Public Works (Roads) Directorate in front of the plot in question. He further submits that the concerned Assistant Engineer again issued a memo no.35 dated January 14, 2026

requesting the concerned Block Land and Land Reforms Officer for early demarcation of the plot in question.

The learned advocate for the State submits that the work of demarcation will be completed within the time limit as may be fixed by this Court.

The learned advocate for the State files a report of the Assistant Engineer, Tamluk Highway Sub-Division, Public Works (Roads), Directorate dated January 14, 2026 which is taken on record.

Since an allegation of encroachment upon the PWD road has been made, it is the duty of the respondent authorities to demarcate the disputed plot in question forthwith and upon such demarcation, if any encroachment is found, to take necessary steps for removal thereof so as to make the PWD road encroachment free.

In the light of the submissions made by the learned advocates for the respective parties, WPA 636 of 2026 stands disposed of with the following directions:

1. The Block Land and Land Reforms Officer, Bhagwanpur-I Block shall depute competent Amins/Surveyors for the purpose of demarcation in terms of the memo dated December 17, 2025 and January 14, 2026 both issued by the Assistant Engineer, Tamluk Highway Sub-Division, Public Works (Roads), Directorate and prepare a report and sketch map of such

demarcation. The entire work of demarcation shall be carried out after issuing prior notice to the petitioner, private respondents and any other person who may be affected by such demarcation.

2. The concerned Block Land and Land Reforms Officer shall thereafter forward the report along with the sketch map to the petitioner, the private respondents and other affected parties as well as to the Assistant Engineer, Tamluk Highway Sub-Division, Public Works (Roads), Directorate immediately thereafter. The entire aforesaid exercise by the Block Land and Land Reforms Officer 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. Upon receipt of the said report from the concerned Block Land and Land Reforms Officer, if any encroachment upon the PWD road is found, the Assistant Engineer, Tamluk Highway Sub-Division, Public Works (Road), Directorate being the 3rd respondent herein shall initiate an appropriate proceeding under Section 10 of the West Bengal Highways Act, 1964 and 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.

3. In case no encroachment upon the PWD road is found, such decision shall also be communicated to the petitioner and the private respondents.

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.)