

Court No. 19
(265719)

21.01.2026
(AD 10)
(S. Banerjee)

WPA 998 of 2026

Mohan Ghorai
Vs.
The State of West Bengal & Ors.

Mr. Samaresh Chandra Dhara
...for the petitioner
Mr. Lalit Mohan Mahata, Ld. AGP
Mr. Prasanta Behari Mahata
...for the State

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

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

In spite of service none appears for the private-
respondents.

The petitioner claims to be the recorded owner
of LR Plot No. 99, LR Khatian No. 156/1 within
Mouza – Chakkamina under Tamluk Police Station in
the district of Purba 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 raised unauthorized

construction by encroaching upon the PWD road. The petitioner claims to have submitted a representation dated December 15, 2025 requesting various authorities including Assistant Engineer, Tamluk Highway Sub-Division, PW(Roads) Directorate to remove unauthorized encroachment upon the PWD road. Learned advocate appearing for the petitioner submits that in spite of receipt of such representation, no decision have been taken by the respondent authorities till date.

Mr. Mahata, learned AGP, submits that necessary steps in accordance with law shall be taken if any encroachment upon the PWD road is found.

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

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 in the representation dated December 15, 2025, this writ petition stands disposed of by directing the Assistant Engineer, Tamluk Highway Sub-Division, PW(Roads) Directorate, being the respondent no. 6

herein, to consider the representation of the petitioner dated December 15, 2025 and after making necessary enquiries and demarcation through competent authorities if any encroachment upon the PWD road is found, necessary steps in accordance with the provisions of Section 10 of the West Bengal Highways Act, 1964 shall be initiated and the entire exercise under the said provision shall be completed by the said respondent as expeditiously as possible but positively within a period of eight weeks from the date of receipt of a server copy of this order together with a copy of the representation dated December 15, 2025.

(Hiranmay Bhattacharyya, J.)