

D/L- 9
04/02/2026
Ct. No.-19
Aritra

WPA 1595 of 2026

**Sukumar Shil
Vs.
The State of West Bengal & Ors.**

Mr. Lalratan Mandal
Mr. Dilip Kumar Sadhu

....for the petitioner

Mr. Anand Farmania
Mr. Amartya Pal

....for the State

Mr. Avinaba patra

....for the respondent Nos.10 & 11

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

The petitioner claims to be the owner of R.S. Dag No.67, J.L. No.252 within Mouza-Anantapur under Police Station-Habibpur in the District of Malda.

The petitioner states that a PWD road being Aiho Singabad Road running adjacent to the aforesaid property of the petitioner. The petitioner alleges that the private respondents have raised an unauthorised construction by encroaching upon the PWD road. The petitioner claims to have submitted a representation dated December 23, 2025 before the Assistant Engineer, Gazole Highway Sub-Division, Public Works (Roads) Directorate, Malda, praying for removal of unauthorised encroachment from the PWD road.

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

The learned advocate appearing for the private respondents submits that the private respondents have not raised any Pucca construction by encroaching upon the PWD road.

The learned advocate appearing for the State submits that necessary steps in accordance with law shall be taken if any encroachment upon the PWD road is found.

In the light of the submissions made by the learned advocates for the respective parties, and without entering into the merits of the claim made in the representation, WPA 1595 of 2026 stands disposed of by directing the Assistant Engineer, Gazole Highway Sub-Division, Public Works (Roads) Directorate, Malda, being the respondent No.8, to consider the representation of the petitioner dated December 23, 2025 and after conducting necessary enquiries and demarcation through competent Officials, if any encroachment upon the PWD road is found, necessary proceeding in accordance with 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 8 weeks from the

date of receipt of a server copy of this order along with a copy of the representation dated December 23, 2025.

There will be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Hiranmay Bhattacharyya, J.)