

09.04.2026
Court No.25
D/L No.21
S. Gayen

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA 2551 of 2026

Swapan Kumar Maity
Versus
The State of West Bengal & Ors.

Mr. Aditya Sen

...for the Petitioner

Mr. Arindam Chattopadhyay
Ms. Lipika Chatterjee

...for the State

1. The petitioner has filed the present writ application praying for a direction upon the respondent No.2 to consider the representation filed by the petitioner dated August 4, 2025 wherein the petitioner has made an allegation that the private respondent has occupied Government land belongs to the PWD due to which the egress and ingress of the petitioner towards his house is badly affected.
2. *Per contra*, learned counsel appearing for the State raised the point of maintainability of the present writ application and submits that as per the averments made in the writ petition, it reveals that the petitioner and private respondent are brothers and both have purchased the property jointly. Only to dissolve the private dispute between the two brothers, the petitioner has filed the present writ application. He

further submits that the petitioner has made a representation to the respondent No.2 but the respondent No.2 is not the proper authority to consider the representation filed by the petitioner. The Assistant Engineer, Tamluk Highway Sub-Division, Public Works (Roads) Directorate is the proper authority. If any complaint is made, the said authority will consider the same and will take appropriate steps.

3. Heard the learned counsel for the respective parties. As regard the point of maintainability is concerned, it is admitted that the petitioner and the private respondent are brothers and they have purchased the property jointly but in the present case, the petitioner has made the State authorities as a party respondent on the ground that he has made a complaint to the respondent No.2 but the respondent No.2 has not considered the complaint of the petitioner. Thus, the point of maintainability is rejected.
4. The writ petition is disposed of by giving the liberty to the petitioner to make appropriate complaint before the Assistant Engineer, Tamluk Highway Sub-Division, Public Works (Roads) Directorate within a week from date. If any complaint is filed by the petitioner to the Assistant Engineer, the Assistant Engineer will consider and pass appropriate order in accordance with law.
5. WPA 2551 of 2026 is disposed of.

6. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.
7. Urgent Photostat certified copy, if applied for, be given to the parties upon compliance with all formalities.

(Krishna Rao, J.)