

Sl. 30
10.03.2026
Court No.19
BP

WPA 2599 of 2026

Gopinath Laha & Anr.
-versus-
The State of West Bengal and others

Mr. Abdur Rakib
Mr. Mojahid Mehedi
..for the petitioners

Mr. Soumitra Bandyopadhyay, Sr. Govt. Advocate
Mr. Subhasis Bandopadhyay
..for the State

Mr. Mani Sankar Chattopadhyay
..for the respondent nos. 7 & 8

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

Petitioners claim to be the owners of a plot of land being Dag No. 4516 within Mouza Sarbari under Khatian Nos. 2086 and 5080, J.L. No. 91 under Neturia Block within Neturia Police Station in the District of Purulia. The petitioners state that a PWD road is running adjacent to the aforesaid property of the petitioners. The petitioners allege that the private respondents have raised a construction by encroaching upon a portion of the PWD road thereby obstructing the ingress and egress of the petitioners from their property to the PWD road. The petitioners submitted a representation before the Assistant Engineer, Public Work Department,

Raghunathpur Sub-Division, Purulia dated 26th December, 2025.

The learned advocate appearing for the petitioners submits that in a miscellaneous case arising out of a proceeding under Section 164 of BNSS, 2023 an inspection was carried out and it was found that the private respondents have encroached upon a portion of the PWD road. He submits that in view of such report the authority should be directed to remove the encroachment from the PWD road.

The learned advocate appearing for the private respondents submits that the private respondents are in possession of a portion of the property owned by them for the last fifty years by constructing shops and residential house thereupon. He submits that the private respondents have not encroached upon any portion of the PWD road.

Mr. Bandopadhyay, learned advocate for the State submits that a representation has been submitted before the Assistant Engineer, Public Work Department, Raghunathpur Sub-Division, Purulia being the 5th respondent and such respondent shall take steps in accordance with law if an encroachment upon the PWD road is found.

In the light of the submissions made by the learned advocates for the respective parties, WPA 2599 of 2026 stands disposed of by directing the Assistant Engineer,

Public Work Department, Raghunathpur Sub-Division, Purulia being the 5th respondent to consider the representation of the petitioners dated 26th December, 2025 and upon making necessary enquiries and demarcation through competent officials upon prior service of notice to the petitioners, the private respondent and any other person, who may be affected by such demarcation and upon such demarcation and enquiry, if any encroachment upon the PWD road is found, the respondent no.5 shall initiate an appropriate proceeding under the relevant statute and complete the entire exercise under the said provision as expeditiously as possible but positively within a period of eight weeks from the receipt of a server copy of this order along with a copy of the representation dated 26th December, 2025.

It is, however, made clear that if such authority is of the view that no portion of the PWD road has been encroached upon, such decision shall also be communicated to the petitioners 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.)