

WPA 2890 of 2026

Prosenjit Saha & Anr.
Vs.
The State of W. B. & Ors.

Mr. Prosenjit Mukherjee
Ms. Juin Dutta Chakraborty
Mr. A. K. Das ...for the petitioners.

Mr. Tanmoy Kr. Ghosh
Ms. Sabnam Faruqui ...for the State.

Mr. Abbasuddin
Mr. A. K. Chatterjee
Mr. Asish Santra ...for the private respondents.

Affidavit of service filed by the petitioners is taken on record.

Heard learned counsels for the parties.

The petitioners allege unauthorized construction raised by the private respondent on the land of the Zilla Parishad.

Pursuant to an order passed by a co ordinate Bench of this Court on 9th December, 2024 in WPA 4722 of 2024 directing the jurisdictional Assistant Engineer, PWD to consider the representation submitted by the petitioners within a stipulated time frame, the concerned Assistant Engineer dealt with the issue and by an order passed on 3rd March, 2025, observed that the encroached land belonged to Howrah Zilla Parishad. The competent

authority on behalf of Howrah Zilla Parishad was directed to take necessary steps in accordance with law.

Strangely, the issue was dealt with under Section 10 of the West Bengal Highways Act, 1964 and ultimately by an order passed on 8th October, 2025, the Sub-Divisional Officer, Uluberia Sub-Division, Howrah held that the encroached land in question belonged to the Howrah Zilla Parishad and did not fall within the purview of the West Bengal Highways Act, 1964.

The petitioner submitted a representation before the competent authorities in this regard on 2nd May, 2025 seeking issuance of proceedings under Section 160A(6) of the Act of 1973 for demolition of the illegal structure in the land belonging to the Zilla Parishad. The representation is yet to be considered.

Learned counsel for the private respondents submits that the construction in question is an old construction and has been raised before more than 40 years.

Be that as it may, since the representation submitted by the petitioner is yet to be considered, the Secretary, Howrah Zilla Parishad, being the 4th respondent herein, is directed to consider and dispose of the representation submitted by the petitioner on 2nd May, 2025 within two weeks from the date of communication of this order upon affording reasonable opportunity of hearing to all concerned including the petitioner and the private respondent, in accordance with law.

The writ petition is disposed of.

There shall, however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the writ petition are deemed not to have been admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)