

Item-
5. 17-02-2026

WPA 3053 of 2026

sg Ct. 19

Sk. Sarfuddin & Ors.
Versus
State of West Bengal & Ors.

Mr. Salil Kumar Maiti
Ms. Dolan Samanta
...for the petitioners
Mr. Jaydeep Banerjee
Mr. Raja Ram Banerjee
...for the State

Affidavit of service filed in Court is taken on record.

The report of the Officer-in-Charge, Nandakumar Police Station filed by the learned Advocate for the State is also taken on record.

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

The petitioners claim to be the owners of LR dag no. 1175, within Mouza Kumorara, JL No. 118, under Police Station Nandakumar, in the District of Purba Medinipur. The petitioners state that a PWD Road is running adjacent to the property of the petitioners. The petitioners allege that the private respondents have raised an unauthorized construction by encroaching upon the PWD road thereby causing obstruction to the ingress and egress of the petitioners from their property to the PWD road. The petitioners submitted an application on 13th October, 2025 before various authorities including the Assistant Engineer, Tamluk Highway Sub-Division, Public Works (Road) Directorate, Tamluk for removal of the encroachment upon the PWD road.

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

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

Since a representation alleging encroachment upon the PWD road has been made, it is the duty of the respondent authorities to take necessary steps in accordance with law if any encroachment upon the PWD road is found.

Without entering into the merits of the claims made by the petitioners in the re-representation dated 13th October, 2025, WPA 3053 of 2026, stands disposed of by directing the Assistant Engineer, Public Works (Road) Directorate, Tamluk Highway Division, Tamluk, being the third respondent, to consider the representation of the petitioner dated 13th October, 2025 and after conducting necessary enquiries and demarcation of the plot in question through competent Amins/Surveyors, upon prior notice to the petitioners, private respondents and any other party/parties who may be affected and if any encroachment upon the PWD road is found, necessary proceeding in accordance with the provisions of 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 eight weeks from the date of receipt of a server copy of this order along with a copy of the representation dated 13th

October, 2025.

Needless to mention that if it is found that there has been no encroachment upon the PWD road, such decision shall also be communicated by the third respondent to the petitioners within the time limit as indicated hereinbefore.

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

(Hiranmay Bhattacharyya, J.)