

Item-
8. 24-02-2026

WPA 3613 of 2026

sg Ct. 19

Subharanjan Bhunia
Versus
State of West Bengal & Ors.

Mr. Sabyasachi Chatterjee
Mr. Debdip Mandal
...for the petitioner
Mr. Chandu Charan De, Id. AGP
Ms. Saswati Chatterjee
...for the State
Ms. Diksha Ghosh
Ms. Itika Nag
..for the respondent no.9

Affidavit of service filed in Court is taken on record.

The petitioner claims to be the owner of LR Dag nos. 2109 and 2137, Khatian No. 3222, JL No. 0.13, within Mouza Shibrampur, under Police Station Namkhana, in the District of South 24 Parganas. The petitioner states that a National Highway from Namkhana to Bakkhali Main Road, maintained by the Public Works Department, Government of West Bengal is running adjacent to the aforesaid property of the petitioner. The petitioner alleges that the private respondent has raised an unauthorized construction by encroaching upon the PWD road thereby causing obstruction to the ingress and egress of the petitioner from his property to the PWD road. The petitioner submitted a representation before various authorities including the Assistant Engineer, Kakdwip National Highway Sub-Division, Public Works (Roads) Directorate dated 21st January, 2026 requesting the said authority to take steps for removal of encroachment upon the PWD road.

Mr. Chatterjee, 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 encroachment from the PWD road till date.

Mr. Chatterjee submits that the petitioner approached this Court on a earlier occasion by filing a writ petition, being WPA 25334 of 2025 and since there were certain technical defects in the said writ petition, the same was withdrawn with liberty to file afresh. He submits that pursuant to the liberty granted by this Court by an order dated 8th January, 2026, this writ petition has been filed.

The learned Advocate appearing for the private respondent seeks time to file vakalatnama.

Leave is granted to the learned Advocate for the private respondent to file vakalatnama on or before February 27, 2026. He submits, on instruction, that the shop room from which the private respondent is carrying on business has been allotted by the Bazar Samity of the locality.

Mr. De submits that necessary steps in accordance with law shall be taken if any encroachment upon the PWD road is found.

Without entering into the merits of the claim made in the representation dated 21st January, 2026, this WPA 3613 of 2026 stands disposed of by directing the Assistant Engineer, Kakdwip National Highway Sub-Division, Public Works (Roads) Directorate, Government of West Bengal, being the third respondent, to consider the representation of the petitioner dated 21st January, 2026 and after causing

inspection and demarcation of the disputed plot through competent Amins/Surveyors, upon prior notice to the petitioner, private respondent and any other party/parties who may be affected by such demarcation and upon such demarcation, if any encroachment upon the PWD road is found, necessary proceeding in accordance with law shall be initiated and the entire exercise 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 21st January, 2026.

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 petitioner 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.)