

Court No. 19
(265719)

20.02.2026
(AD 13)
(S. Banerjee)

WPA 3679 of 2026

Kaberi Bag & Ors.
Vs.
The Union of India & Ors.

Mr. Gazi Faruque Hossain
Mr. Rakib Hossain Khan

...for the petitioners

Mr. Sushil Kumar Mishra

...for the Union of India

Ms. Ashima Das (Sil)

...for the State

Petitioners claim to be the owner of LR Plot Nos. 476, 506 and 507 under Mouza – arayanpur, JL No. 47 under Kakdwip Police Station in the district of South 24 Parganas.

Petitioners state that National Highway No. 117 is running adjacent to the aforesaid property of the petitioners. Petitioners allege that the private-respondent has raised a consturcditon by encroaching upon the NH 117.

Petitioners submitted a representation dated November 11, 2025 before various authorities including the District Magistrate, South 24 Parganas.

Learned advocate appearing for the petitioners submits that in spite of receipt of such

representation, no steps have been taken by the respondent authority to remove such unauthorized construction till date.

Union of India and the National Highways Authority of India are represented by their learned advocate.

Affidavit-of-service filed is taken on record.

None appears for the State.

Ms. Ashima Das (Sil), learned advocate, who usually represents the State is present in Court. She is requested to appear in this matter.

A copy of the writ petition has been served upon Ms. Das (Sil).

Let the appointment of Ms. Das (Sil) be regularised by the competent authority.

Since an allegation of encroachment upon National Highway is made, it is the duty of the respondent authority to consider the same and take steps in accordance with law.

Without entering into the merit of the claims made by the petitioners in the representation dated November 11, 2025, this writ petition stands disposed of by directing the District Magistrate, South 24

Parganas to consider the representation of the petitioners dated November 11, 2025 and to dispose of the same by passing a reasoned order in accordance with law after affording an opportunity of hearing to the petitioners, the private-respondent and any other person who may be affected by such decision. The entire exercise shall be completed by the District Magistrate, South 24 Parganas, being the 5th respondent, as expeditiously as possible but positively within a period of 10 weeks from the date of receipt of a server copy of this order along with a copy of the representation dated November 11, 2025.

(Hiranmay Bhattacharyya, J.)