

Item-
4. 06-03-2026

WPA 8386 of 2026

sg Ct. 19

Srikanta Thandar
Versus
State of West Bengal & Ors.

Mr. Raj Kr. Sain
...for the petitioner
Mr. Suddhadev Adak
Mr. Abhijit Boral
...for the State

Affidavit of service filed in Court is taken on record.

The learned Advocate appearing for the petitioner submits that the private respondents have been duly served.

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

The petitioner claims to be the recorded owner of L.R. Plot no. 602/1097, Khatian No. 930, JL No. 43, within Mouza Hariharpur, under Police Station Nandakumar, in the District of Purba Medinipur. The petitioner states that a PWD Road is running adjacent to the property of the petitioner. The petitioner alleges that the private respondents have raised an unauthorized construction by encroaching upon the PWD road, which is in front of the property of the petitioner, thereby causing obstruction to the ingress and egress of the petitioner from his property to the PWD road. The petitioner submitted a representation dated 27th January, 2026 before various authorities including the Assistant Engineer, Tamluk Sub-Division, Public Works Department (Roads), praying for removal of unauthorized encroachment upon the PWD road.

The learned Counsel 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.

The State is represented by its learned Advocate.

Since the allegation of unauthorized 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.

In the light of the submission made by the learned Advocate for the petitioner and without entering into the merits of the claim made by the petitioner in the representation dated 27th January, 2026, WPA 3886 of 2026, stands disposed of by directing the Assistant Engineer, Tamluk Sub-Division, Public Works (Roads) Directorate, being the fifth respondent, to consider the representation of the petitioners dated 27th January, 2026 and after causing necessary enquiries and demarcation of the plot in question, through competent officials, upon prior notice to the petitioner, private respondents and any other party/parties who may be affected by such demarcation and if any encroachment upon the PWD road is found, necessary proceeding in accordance with 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 12 weeks from the date of receipt of a server copy of this order along with a copy of the representation dated 27th 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 fifth respondent to the petitioner within the time limit as indicated hereinbefore.

The report of the Assistant Engineer, Tamluk Highway Sub-Division, PWD submitted by the learned Advocate for the State is taken on record.

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

(Hiranmay Bhattacharyya, J.)