

Sl. 23
11.03.2026
Court No.19
BP

WPA 4423 of 2026

Dipak Kumar Halder & Anr.
-versus-
The State of West Bengal and others

Mr. Mrinal Kanti Sardar
..for the petitioners

Mr. Jyoti Prakash Chatterjee
Ms. Rinku Sen
..for the State

Affidavit of service filed in Court today is taken on record.

The learned advocate appearing for the petitioners submits that the private respondent has been duly served.

In spite of service none appears for the private respondent.

The petitioners claim to be the recorded owners of Plot No.187/295, Khatian No. 400 and 401 within Mouza Chak Dhanu Mondal under Police Station Kulpi in the District of South 24 Parganas. The petitioners state that PWD road namely Diamond Harbour to Kakdwip National Highway is running adjacent to the aforesaid property of the petitioners. The petitioners allege that the private respondent has raised a construction by encroaching upon a portion of the PWD road just in front of the property of the petitioner thereby obstructing the ingress

and egress of the petitioners from their property to the PWD road. The petitioners submitted a representation before the Assistant Engineer, Deamond Harbour National Highway Sub-Division, Public Work (Roads) Directorate dated 2nd February, 2026.

The learned advocate appearing for the petitioners submits that in spite of receipt of such representation no steps have been taken by the respondent authorities till date.

Mr. Chatterjee, learned advocate appearing for the State submits that necessary steps shall be taken if it is found that there is any encroachment upon the PWD road.

In the light of the submissions made by the learned advocates for the respective parties, WPA 4423 of 2026 stands disposed of by directing the Assistant Engineer, Deamond Harbour National Highway Sub-Division, Public Work (Roads) Directorate, 24 Parganas (South) being the 3rd respondent to consider the representation of the petitioners dated 2nd February, 2026 and after causing necessary enquiries and demarcation through competent officials/Amins/surveyors after prior service of notice to the petitioners, the private respondent and any other person, who may be affected by such demarcation and upon such demarcation it is found that there is any encroachment upon the PWD road, the 3rd respondent shall initiate an appropriate proceeding under the

relevant statute and the entire exercise under the said provision shall be completed as expeditiously as possible but positively within a period of ten weeks from the receipt of a server copy of this order along with a copy of the representation dated 2nd February, 2026. In case the said respondent authority is of the view that there is no encroachment upon the PWD road, such decision shall also be communicated to the petitioners and others within the time limit mentioned hereinbefore.

There shall be however no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Hiranmay Bhattacharyya, J.)