

Item-
11. 26-02-2026

WPA 4426 of 2026

sg Ct. 19

Yudhisthir Kayal
Versus
State of West Bengal & Ors.

Mr. Bapin Baidya
...for the petitioner
Mr. Pantu Deb Roy, Id. AGP
Mr. Pannalal Bandyopadhyay
...for the State
Mr. Mrinal Kanti Ghosh
Mr. Chandra Nath Sarkar
...for the respondent no.8

Affidavit of service filed in Court is taken on record.

The petitioner claims to be the owner of LR Dag no. 8214, LR Khatian No. 5505, within Mouza Jalabheria, under Police Station Kultali, in the District of South 24 Parganas. The petitioner states that Joynagar to Jamtala road 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 a portion of Joynagar to Jamtala road thereby causing obstruction to the ingress and egress of the petitioner from their property to the said road. The petitioner submitted a representation dated 9th December, 2025 before the various authorities including the Assistant Engineer, Public Works Department (Roads), Lakshmikantapur Highway Sub-Division for removal of the said unauthorized encroachment.

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 said road till date.

Mr. Ghosh assisted by Mr. Sarkar submits that another co-sharer of the petitioner has also made similar allegation against the private respondent and a proceeding is pending pursuant to an order passed by the coordinate Bench in an earlier writ petition Mr. Ghosh submits that since one proceeding for removal of encroachment is pending, there may not be any necessity to initiate another proceeding. He further submits, on instruction from the learned Advocate-on-Record, that the private respondent has not encroached upon any portion of the said road.

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

Since an allegation of encroachment upon a road has been made, it is the duty of the respondent authorities to inquire into the matter and to take necessary steps in accordance with law if any encroachment upon the said road is found.

In the light of the submissions made by the learned Advocates for the respective parties and without entering into the merits of the claim made by the petitioners in the presentation dated 9th December, 2025, WPA 4426 of 2026, stands disposed of by directing the Assistant Engineer, Public Works Department (Roads), Lakshmikantapur Highway Sub-Division, being the fifth respondent, to consider the representation of the petitioner dated 9th December, 2025 and after conducting necessary enquiries 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, if any encroachment upon the said road is found, necessary proceeding in accordance with the relevant provisions of the statute shall be initiated and the entire exercise under the said statute 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 9th December, 2025.

Needless to mention that if it is found that there is no encroachment upon the said road, such decision shall also be communicated by the 5th 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.)