

Item-
8. 05-03-2026

WPA 4510 of 2026

sg Ct. 19

Md. Jiarul Sk. & Ors.
Versus
State of West Bengal & Ors.

Mr. Timir Baran Saha
Mr. Prabir Majumder
Mr. Snehansu Majumder
Ms. Anindita Kundu
...for the petitioners
Ms. Sulagna Bhattacharya
...for the State

Affidavit of service filed in Court is taken on record.

The learned Advocate appearing for the petitioners submits that the State and the private respondents have been served.

In spite of service, none appears for the respondents.

Ms. Sulagna Bhattacharya, learned Advocate, who usually represents the State, is present in Court and is requested to appear in this matter.

Let her appointment be regularized by the competent authority.

The petitioners claim to be the owners of Dag no. 814, LR khatian no.5446, within Mouza Palassey, under Police Station Kaliganj, in the District of Nadia. The petitioners state that a PWD Road is running adjacent to the property of the petitioners. The petitioners allege that the private respondents have raised an unauthorized construction by encroaching upon a portion of the PWD road thereby causing obstruction to the ingress and egress of the petitioners from their property to the PWD road. The petitioners

submitted an application on 24th December, 2025 before various authorities including the Assistant Engineer, Public Works (Road) Directorate, Plassey Sub-Division, Plassey, praying for removal of unauthorized encroachment upon the PWD road.

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

Since an allegation of 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.

Without entering into the merits of the claims made by the petitioners in the representation dated 24th December, 2025, WPA 4510 of 2026, stands disposed of by directing the Assistant Engineer, Public Works (Road) Directorate, Plassey Sub-Division, Plassey, being the fifth respondent, to consider the representation of the petitioners dated 24th December, 2025 and after conducting necessary enquiries and demarcation of the plot in question, upon prior notice to the petitioners, private respondents and any other party/parties who may be affected and if any encroachment upon the PWD road is found, necessary proceeding in accordance with law shall be initiated 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 date of receipt of a server copy of this order along with a copy of the representation dated 24th December, 2025.

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 petitioners 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.)