

Item-  
10. 06-03-2026

**WPA 5065 of 2026**

sg Ct. 19

Shyamal Kumar Halder  
Versus  
State of West Bengal & Ors.

Mr. Pankaj Halder  
Mr. Tapas Manna  
...for the petitioner  
Mr. Panna Lal Bandyopadhyay  
Mr. Debabrata Mondal  
...for the State  
Mr. Sounak Mondal  
...for the respondent no.10

Affidavit of service filed in Court is taken on record.

The learned Advocate appearing for the petitioner states that private respondents have been duly served. In spite of service, none appears on behalf of the private respondents except respondent no.10.

The petitioner claims to be the recorded owner of plot no. 4037, JL No. 31, within Mouza Chaityanyapur, in the District of South 24 Parganas. The petitioner alleges that the private respondents have started construction of residential houses one after another by encroaching upon the government land thereby causing obstruction to the ingress and egress of the petitioner from his property to the government Land. The petitioner submitted a representation dated 19<sup>th</sup> February, 2026 before the respondent authorities requesting the authorities to take steps for removal of the unauthorized construction on the Government land.

Mr. Mandal, learned Advocate appears for the respondent no.10. He denies the allegation made in the writ

petition. He submits that the respondent no.10 has not made any construction upon the government land.

Since an allegation of unauthorized encroachment upon the government land has been made, it is the duty of the respondent authorities to consider the representation and to take necessary steps in accordance with law, if any encroachment upon the government land is found.

The learned Advocate for the petitioner submits that direction may be passed upon the Assistant Engineer, Public Works (Roads) Directorate, Joynagar Sub-Division, being the fourth respondent, to consider the representation of the petitioner dated 19<sup>th</sup> February, 2026.

In the light of the submissions made by the learned Advocates for the respective parties, WPA 5065 of 2026, stands disposed of by directing the Assistant Engineer, Joynagar Sub-Division, Public Works (Roads) Directorate, South 24 Parganas, being the fourth respondent, to consider the representation of the petitioners dated 19<sup>th</sup> February, 2026 and after making necessary enquiries and demarcation, if any encroachment upon the government land is found, necessary proceeding shall be initiated in accordance with the provisions of the relevant statute and the entire exercise under the said provision shall be completed as expeditiously as possible but positively within a period of eight weeks from the date of receipt of a server copy of this order along with a copy of the representation dated 19<sup>th</sup> February, 2026.

In the event the fourth respondent is of the view that the issue of encroachment raised by the petitioner does not

fall within its jurisdiction, such fact shall also be intimated to the petitioner and the private respondents and the Assistant Engineer, PWD, Joynagar Sub-Division shall forward the copy of the representation along with a server copy of the order to the appropriate authority, who has been vested with the power to decide the issue of encroachment. In that event, it will be open to the petitioner to approach the appropriate authority for removal of alleged encroachment.

Upon such approach is being made, the said Authority shall also take steps in accordance with law.

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

**(Hiranmay Bhattacharyya, J.)**