

Item-
8. 12-03-2026

WPA 5303 of 2026

sg Ct. 19

Gobinda Das & Anr.
Versus
State of West Bengal & Ors.

Mr. Manoranjan Jana
Ms. Rekha Das
...for the petitioners
Mr. Wasim Ahmed
Sk. Md. Masud
...for the State

The petitioners claim to the owners of plot nos. 969 and 971, JL no. 48, Khatian nos. 444/1 and 6434, within Mouza Alangiri, under Police Station Egra, in the District of Purba Medinipur. 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 the portion of the PWD road, which is in front of the property of the petitioners, thereby causing obstruction to the ingress and egress of the petitioners from their property to the PWD road. The petitioners submitted representation dated 19th January, 2026 before various authorities including the Assistant Engineer, Contai Highway Sub-Division, Public Works (Roads) Directorate, 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 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 petitioners and without entering into the merits of the claim made by the petitioners in the representation dated 19th January, 2026, WPA 5303 of 2026, stands disposed of by directing the Assistant Engineer, Contai Sub-Division, Public Works (Roads) Directorate, being the fourth respondent, to consider the representation of the petitioners dated 19th January, 2026 and after causing necessary enquiries and demarcation of the plot in question, through competent Amin/Surveyor, upon prior notice to the petitioners, 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 10 weeks from the date of receipt of a server copy of this order along with a copy of the representation dated 19th 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 fourth 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.)