

D/L- 19
09/03/2026
Ct. No.-19
Aritra

WPA 5151 of 2026

**Sri Dipak Ghosh
Vs.
The State of West Bengal & Ors.**

Ms. Rajlaxmi Ghatak
Mr. Gobinda Chandra Baidya
Mr. Prorash Mondal

....for the petitioner

Mr. Sk. Md. Galib, Sr. Gvt. Adv.,
Mr. Tamal Taru Panda

....for the State

Mr. Tanmay Chowdhury
Ms. Ritoprita Ghosh

....for the respondent No.7

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

The petitioner claims to be the owner of L.R. Plot No.1752 within Mouza-Sasati under Police Station-Shyampur in the District of Howrah.

The petitioner states that on the western side of the aforesaid plot of the petitioner a Government land being Dag No.2018 is situated. The petitioner alleges that the private respondent has raised a construction by encroaching upon the aforesaid Government land thereby creating an obstruction to the ingress and egress of the petitioner from his property to the PWD land.

The petitioner submitted a representation dated February 27, 2026 before various authorities including the

Assistant Engineer, Public Works Department (Roads), Uluberia.

The learned advocate appearing for the petitioner submits that in spite of receipt of such representation, no steps have been taken by the respondent authorities for removal of the encroachment. The learned advocate further submits that the petitioner filed a suit being Title Suit No.110 of 2026 before the learned Civil Judge (Jr. Div.), Uluberia at Howrah. She submits that the prayer for moving the injunction application on an urgent basis was not entertained as the business of the Court did not permit. She, however, submits on instruction, that the petitioner shall take steps for withdrawal of the said title suit.

The learned advocate appearing for the private respondent denies the allegation of the petitioner. She submits that the private respondent is the owner of Plot No.1775/ 1993 and has raised construction upon the *raiyati* property of the private respondent. She further submits that the private respondent has not encroached upon any portion of the Government land. She also submits that the plot in question belongs to the Zilla Parishad and same is not maintained and controlled by the Public Works Department of the Government of West Bengal.

The learned advocate appearing for the State submits that steps in accordance with law shall be taken if an illegal encroachment upon the PWD road is found.

Since an allegation of encroachment upon the Government land has been made, it is the duty of the respondent authorities to take steps in accordance with law and to remove any encroachment therefrom.

In the light of the submissions made by the learned advocates for the respective parties, WPA 5151 of 2026 stands disposed of by directing the Assistant Engineer, Public Works Department (Roads), Uluberia, being the respondent No.4 to consider the representation of the petitioner dated February 27, 2026 and after causing necessary enquiries and demarcation through competent Amins/Surveyors, if any encroachment upon the PWD road is found, necessary steps in accordance with the relevant provision of the statute shall be initiated and the entire exercise 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 February 27, 2026.

It is however made clear that this order has been passed on the basis of the submission made by the learned advocate for the petitioner that the petitioner shall withdraw the aforesaid title suit pending before the learned Civil Judge (Jr. Div.), Uluberia at Howrah.

In the event, the petitioner does not take steps to withdraw the title suit within a period of three weeks from the receipt of server copy of this order, this order shall stand automatically recalled without any further reference to this Court.

There will be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Hiranmay Bhattacharyya, J.)