

D/L- 5
17/03/2026
Ct. No.-19
Aritra

WPA 5609 of 2026
Swapan Kumar Pradhan
Vs.
The State of West Bengal & Ors.

Mr. Debasish Sur
Mr. Rajib Kumar Acharyya
Mr. Banshi Badan Maity

....for the petitioner

Mr. Lalit Mohan Mahata, AGP
Mr. Rudranil De

....for the State

The learned advocate appearing for the petitioner submits that there is a typographical error in the cause title of the affidavit of service. He prays for leave to correct the number of the writ petition in the affidavit of service.

Such leave is granted.

The learned advocate on record of the petitioner is permitted to correct the number of the writ petition in the affidavit of service, here and now.

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

The learned advocate appearing for the petitioner submits that the private respondents have been duly served.

In spite of service none appears for the private respondents.

The petitioner claims to be the recorded owner of L.R. Plot No.389 within Mouza-Salika Bhupatichak, J.L. No.113 in the District of Purba Medinipur.

The petitioner states that a State Highway from Pansukar to Durgachak is running adjacent to the aforesaid property of the petitioner. The petitioner alleges that the private respondents have raised a construction by encroaching upon the State Highway.

The petitioner submitted a representation before various authorities including the Assistant Engineer, Public Works (Roads) Directorate, Tamluk Highway Sub-Division, Tamluk dated February 16, 2026 for removal of encroachment from the PWD road.

The learned advocate appearing for the petitioner submits that no steps have been taken for removal of encroachment in spite of receipt of such representation.

Mr. Mahata, learned Additional Government Pleader submits that necessary steps in accordance with law shall be taken if any encroachment upon the State Highway is found.

In the light of the submissions made by the learned advocates for the respective parties, WPA 5609 of 2026 stands disposed of by directing the Assistant Engineer, Public Works (Roads) Directorate, Tamluk Highway Sub-Division, Tamluk, being the respondent No.6 to consider the representation of the petitioner dated February 16, 2026 and after causing necessary enquiries and demarcation through competent officials upon prior service of notice to the petitioner, the private respondents and any other parties, who may be affected by such

demarcation and if upon such enquires and demarcation any encroachment upon the PWD road is found, necessary proceedings in accordance with the provision of Section 10 of 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 12 weeks from the date of receipt of a server copy of this order along with a representation dated February 16, 2026.

Needless to mention that if it is found that there is no encroachment upon the PWD road, such decision shall also be communicated to the petitioner and others within the time limit indicated hereinbefore.

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.)