

Item- 11. 18-03-2026

WPA 5688 of 2026

sg Ct. 19

Banka Shyam Dutta
Versus
State of West Bengal & Ors.

Mr. Bikash Goswami
Mr. Osman Gani Mullick
Mrs. Shewly Saha
Miss. Shipra Santra
...for the petitioner
Sk. Md. Galib
...for the State
Mr. Satyajit Talukder
...for the KMDA

The affidavit of service filed in Court is taken on record.

The learned Advocate appearing for the petitioner submits that the private respondent has been duly served. In spite of service, none appears on behalf of the private respondent.

The petitioner claims to be the owner of a plot of land being Dag No. 2356, within Mouza Kandra, under Police Station Salar, in the District of Murshidabad. The petitioner states that a PWD road is running adjacent to the aforesaid property of the petitioner. The petitioner alleges that the private respondent has raised an unauthorized construction by encroaching upon the portion of the PWD road thereby causing obstruction to the ingress and egress of the petitioner from his property to the PWD road.

The learned Advocate appearing for the petitioner submits that the petitioner has submitted a representation dated 7th March, 2025 before various authorities including the

Assistant Engineer, Kandi Highway Sub-Division, Public Works (Roads) Directorate. The learned Advocate for the petitioner 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 appearing for the State submits that necessary steps in accordance with law shall be taken if any encroachment upon the PWD is found.

In the light of the submissions made by the learned Advocates for the respective parties, WPA 5688 of 2026, stands disposed of by directing the Assistant Engineer, Kandi Highway Sub-Division, Public Works (Roads) Directorate, being the fifth respondent, to consider the representation of the petitioners dated 7th March, 2025 and after causing necessary enquiries and demarcation of the plot in question, through competent Amin/Surveyor, upon prior service of notice to the petitioner, private respondent 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 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 12 weeks from the receipt of a server copy of this order along with a copy of the representation dated 7th March, 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

petitioner 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.)