

Sl.9
25.03.2026
Court No.19
BP

WPA 5582 of 2026

Ankan Maity
-versus-
The State of West Bengal & Ors.

Mr. Md. Aasif Iqbal
Mr. Sayan Banerjee
..for the petitioner

Mr. Chandi Charan De, Ld. Addl. Govt. Pleader
Mr. Haripada Maity
..for the State

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.

None appears for the private respondents.

The petitioner claims to be the recorded owner of a plot of land being L.R. Dag No. 2202, Khatian No. 3427, within Mouza Shibrampur, J.L. No. 13 under Police Station Namkhana in the District of South 24 Parganas. The petitioner states that a highway from Namkhana to Bakkhali is running adjacent to the aforesaid property of the petitioner. The petitioner alleges that the private respondents have made an unauthorised construction by encroaching upon the said highway thereby obstructing the ingress and egress of the petitioner from his property to the said highway. The petitioner submitted a representation before the Assistant Engineer, Kakdwip

National Highway Sub-Division, Public Works (Roads) Directorate dated 18th February, 2026.

The learned advocate appearing for the petitioner submits that in spite of receipt of such representation no steps have been taken by such respondent authority to remove the encroachment from the said highway.

Mr. De, learned Additional Government Pleader disputes the submission of the learned advocate for the petitioner. He submits that immediately upon receipt of the complaints from the petitioner steps have been taken by the jurisdictional Assistant Engineer. He submits that the said authority issued a memo dated 19th March, 2026 requesting the Block Land and Land Reforms Officer, Namkhana to carry out the work of physical demarcation of right of way of NH-117 (New NH-12) in front of Dag No. 2202 and to identify whether any encroachment(s) is existing on the Government land. He submits that necessary steps in accordance with law shall be taken if any encroachment upon the Government land is found.

In the light of the submissions made by the learned advocates for the respective parties, WPA 5582 of 2026 stands disposed of by directing the Block Land and Land Reforms Officer, Namkhana being the 6th respondent to carry out the work of physical demarcation as per the request made by the Assistant Engineer, Kakdwip National Highway Sub-Division vide memo dated 19th March, 2026 upon prior service of notice to the petitioner,

the private respondents and any other person who may be affected by such demarcation and prepare a report along with a sketch map of such demarcation and forward the same to the petitioner, the private respondent and any other person who may be affected by such demarcation as well as the Assistant Engineer, Kakdwip National Highway Sub-Division, Public Works (Roads) Directorate. The entire work of demarcation including forwarding of the report as directed hereinbefore shall be completed as expeditiously as possible but positively within a period of eight weeks from the receipt of a server copy of this order. Immediately upon receipt of the report, if any encroachment upon the Government land is found, the Assistant Engineer, Kakdwip National Highway Sub-Division, Public Works (Roads) Directorate being the 3rd respondent shall initiate a proceeding in accordance with the relevant statute and shall complete the entire exercise as expeditiously as possible but positively within a period of eight weeks from the receipt of a copy of the report from the concerned Block Land and Land Reforms Officer.

There shall be however no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Hiranmay Bhattacharyya, J.)