

Court No. 19
(265719)

30.03.2026
(AD 10)
(S. Banerjee)

WPA 6148 of 2026

Ali Haidar Khadim @ Nipu Khadim
Vs.
The State of West Bengal & Ors.

Mr. Timir Baran Saha
Mr. Mridul Biswas

...for the petitioner

Mr. K. M. Hossain
Mr. Gourav Banerjee

...for the State

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

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.

State is represented.

Petitioner claims to be the recorded owner of a
plot of land being Plot No. 869/5380 within Mouza –
Putimari, JL No. 112 in the district of Nadia.
Petitioner alleges that the private-respondents herein
have constructed a room on the land of the Public
Works Department. Petitioner alleges that on account

of such encroachment the petitioner's ingress and egress from his property to the PWD road is being obstructed.

Petitioner submitted a representation before the Assistant Engineer, Krishnagar Sub-Division, Public Works Directorate dated January 28, 2026.

Learned advocate appearing for the petitioner submits that in spite of receipt of such representation, no steps have been taken by the respondent authorities till date to remove the encroachment from the land belonging to the PWD.

Learned advocate appearing for the State files a report of the Sub-Inspector of Police, Krishnagar Police District dated March 29, 2026. In the said report it has been stated that the private-respondents have encroached upon the PWD land and is running a tea stall and icecream parlour in front of the land of the petitioner.

Since an allegation of encroachment upon the land belonging to the PWD has been made, it is the duty of the respondent authorities to consider the same and take steps in accordance with law if an encroachment upon the PWD land is found.

In the light of the submissions made by the learned advocates appearing for the respective parties this writ petition stands disposed of by directing the Assistant Engineer, Krishnagar Sub-Division, Public Works Directorate, being the 5th respondent herein, to consider the representation of the petitioner dated January 28, 2026 and to dispose of the same by passing a reasoned order as expeditiously as possible but positively within a period of 10 weeks from the receipt of a server copy of this order along with a copy of the representation dated January 28, 2026.

If the said respondent authority is of the view that the decision on the issue does not fall within its jurisdiction, the 5th respondent shall forward the representation of the petitioner to the authority who is vested with the jurisdiction to decide the issue of encroachment of the PWD land.

(Hiranmay Bhattacharyya, J.)