

D/L- 16
30/03/2026
Ct. No.-19
Aritra

WPA 6921 of 2026
Saumitra Sarkar
Vs.
The State of West Bengal & Ors.

Mr. Ratul Biswas
Ms. Pratiti Das

....for the petitioner

Mr. Prasanta Kr. Giri
Mr. Krishna Pada Santra

....for the State

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

It has been submitted by the learned advocate for the petitioner 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 a plot of land being Dag No.274 within Mouza-Tegharia under Police Station-Baduria in the District of North 24 Parganas.

The petitioner states that a PWD road is running adjacent to the aforesaid plot of the petitioner. The petitioner alleges that the private respondents have constructed a shoproom by encroaching upon the PWD road thereby blocking free access of the petitioner from his property to the PWD road.

The petitioner submitted a representation dated February 24, 2026 before the Assistant Engineer, Bongaon Highway Sub-Division, Public Works Department.

Mr. Biswas, 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.

The learned advocate for the State submits that the dispute between the petitioner and the private respondents is purely a civil dispute. He submits that the petitioner should be relegated to the Civil Court.

Petitioner has submitted a representation dated February 24, 2026, alleging encroachment upon the PWD road. No material has been produced before this Court by the State at this stage for this Court to arrive at a conclusion that the allegation made by the petitioner of encroachment for PWD road is baseless.

Since an allegation of encroachment of a PWD road has been made, it is the duty of the respondent authorities to enquire into the matter and take steps in accordance with law if any encroachment upon the PWD road is found.

Accordingly, WPA 6921 of 2026 stands disposed of by directing the Assistant Engineer, Public Works Department, Bongaon Highway Sub-Division, Public Works (Roads) Directorate, being the respondent No.3 to consider the representation of the petitioner dated February 24, 2026 and upon making necessary enquires

and demarcation by engaging competent Amin/Surveyor upon prior service of notice to the petitioner, the private respondents and any person, who may be affected by such demarcation and upon such demarcation if it is found that there has been any encroachment upon the PWD road necessary proceeding 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 10 weeks from the date of receipt of a server copy of this order along with a copy of the representation dated February 24, 2026.

If the said authority is of the view that there has been no encroachment upon the PWD road, such decision shall also be communicated to the petitioner and other within the time limit as mentioned 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.)