

Court No. 19
(265719)

31.03.2026
(AD 6)
(S. Banerjee)

WPA 6764 of 2026

Krishna Rani Panda
Vs.
Union of India & Ors.

Mr. Tarun Kumar Das
Mr. Pratap Kumar Yadav
...for the petitioner

Mr. Anindya Sundar Das
...for the Union of India

Mr. Nirmalya Biswas
Ms. Susmita Biswas Chowdhury
...for the State

Mr. Gora Chand Samanta
...for the respondent nos. 10, 11 and 12

Petitioner claims to be the recorded owner of a plot of land being LR Dag No. 610 within Mouza – Narayanpur, JL 47, under Police Station Kakdwip in the district of South 24 Parganas.

Petitioner states that on the eastern side of the aforesaid property of the petitioner there is a National Highway being NH-12. The petitioner alleges that the private-respondents have raised a construction by encroaching upon the portion of the National Highway thereby obstructing the ingress and egress of the petitioner from his property to the National Highway.

The petitioner submitted a representation before various authorities including the District Magistrate,

South 24 Parganas and the Assistant Engineer, Kakdwip National Highway Sub-Division, Public Works (Roads) Directorate by a letter dated February 23, 2026 for removal of encroachment over the National Highway.

Learned advocate appearing for the petitioner submits that in spite of receipt of such representation, no effective steps have been taken by the respondent authorities to remove the encroachment from the National Highway excepting addressing a letter to the concerned Block Land and Land Reforms Officer for demarcation.

Learned advocate appearing for the private-respondents submits that the private-respondents have only constructed temporary sheds for the purpose of earning their livelihood.

Learned advocate appearing for the State files a report of the Executive Engineer, National Highway Division-I, PW(Roads) Directorate annexing a copy of the memo dated March 27, 2026 issued by the Assistant Engineer, Kakdwip PW(Roads) Directorate Sub-division, PW(Roads) Directorate to the Block Land and Land Reforms Officer, Namkhana, which is taken on record. A copy of such report has been supplied to the learned advocate appearing for the

petitioner and the private-respondents in course of hearing of this writ petition.

After going through the memo dated March 13, 2026 issued by the Junior Engineer, Section-I/II, Kakdwip National Highway Sub-Division, PW(Roads) Directorate, this Court finds that during inspection it was found that Anup Kumar Maity has constructed a structure with RCC columns, wall and roof made of tin and asbestos sheets; Asit Quila has constructed a structure with RCC pillars, wall and roof made of tin sheets and Biswajit Maity (Kulkul) has constructed a structure with RCC pillars, wall and roof made of tin sheets and all the aforesaid structures are situated at Narayanpur besides the right-hand side footpath of the service road. The Assistant Engineer, Kakdwip National Highway Sub-Division, PW(Roads) Directorate has also issued a letter vide memo dated March 27, 2026 requesting the Block Land and Land Reforms Officer, Namkhana, South 24 Parganas to physically demarcate the right of way of NH-17 (new NH-12) in front of LR 610 within Namkhana under Kakdwip Police Station in the district of South 24 Parganas and to submit a demarcation map along with the report to the Assistant Engineer.

Learned advocate appearing for the petitioner submits that the District Magistrate has been vested with the power to decide the issue of encroachment under the National Highways Act, 1956.

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 Block Land and Land Reforms Officer, Narayanpur to conduct a physical demarcation of the plot in question as per the request made by the Assistatn Engineer, Kakdwon National Highway Sub-Division, PW(Roads) Directorate vide memo dated March 27, 2026 upon prior service of notice to the petitioner, the private-respondents and any other person who may be affected by such demarcation and the work of demarcation shall be completed as expeditiously as possible but positively within a period of six weeks from the date of receipt of a server copy of this order and the demarcation report along with the demarcation map shall be forwarded 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, PW(Roads) Directorate within the time limit mentioned hereinbefore.

Immediately upon receipt of the said report, if any encroachment is found, the Assistant Engineer, Kakdwip National Highway Sub-Division, PW(Roads) Directorate shall initiate a proceeding under the relevant statute and complete the entire exercise as expeditiously as possible but positively within a period of six weeks from the receipt of a copy of such report.

If, however, the Assistant Engineer, Kakdwip National Highway Sub-Division, PW(Roads) Directorate is of the view that the issue of encroachment does not fall within his jurisdiction, he shall forward the matter to the authorities who is vested with the power to decide the issue of encroachment and such authority, immediately upon receipt of the papers, shall take necessary steps and conclude the entire proceeding within the time limit mentioned hereinbefore.

(Hiranmay Bhattacharyya, J.)