

SL. 8
09.04.2026
Court No.19
BP

WPA 7162 of 2026

Saktipada Manna & Anr.
-versus-
The State of West Bengal & Ors.

Mr. Supriyo Chattopadhyay
Mr. Sudip Kumar Maiti
Mr. Debasree Chatterjee
..for the petitioners

Mr. Gourav Das
Mr. S. Chakraborty
..for the State

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

The learned advocate appearing for the petitioners submits that one of the private respondents has received the copy of the writ petition and insofar as the others are concerned the registered envelope returned with the endorsement "insufficient address". He submits that this is the second round of litigation and in the earlier round the other private respondents duly received the copy of the writ petition at the same address.

The petitioners claim to the recorded owner of a plot of land being R.S. Dag No. 1503 corresponding to L.R. Dag No. 1503 within Mouza Sonachura, J.L. No.251 under Police Station Nandigram in the District of Purba

Medinipur. The petitioners allege that the private respondents have made a construction by encroaching upon a portion of the PWD road running adjacent to the aforesaid property of the petitioners.

The petitioners submitted a representation dated 9th February, 2026 before the Executive Engineer, Public Works Department, Purba Midnapore being the 4th respondent for removal of encroachment from the PWD road.

The learned advocate appearing for the petitioners submits that in spite of receipt of such representation no steps have been taken by the 4th respondent till date.

Mr. Das, learned advocate appears for the State. He files a report of the Inspector-in-Charge, Nandigram Police Station, Purba Medinipur dated 9th April, 2026, which is taken on record. He submits that necessary steps in accordance with law shall be taken if any encroachment upon the PWD road is found.

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

Without entering into the merits of the claim made by the petitioners in the representation dated 9th February, 2026, WPA 7162 of 2026 stands disposed of by the directing the Executive Engineer, Public Works

Department, Purba Midnapore being the 4th respondent to consider the representation dated 9th February, 2026 and after causing necessary enquires and demarcation by engaging competent Amins/surveyors upon prior service of notice to the petitioners, the private respondents and any other person who may be affected by such demarcation and if upon such demarcation any encroachment upon the PWD road is found necessary proceeding in accordance with the relevant statute shall be initiated and the entire exercise under the said statute shall be completed as expeditiously as possible but positively within a period of four months from the receipt of a server copy of this order along with a copy of the representation dated 9th February, 2026. If the respondent no.4 is of the view that the issue relating to removal of encroachment from the PWD road does not fall within his jurisdiction, the respondent no.4 shall immediately forward the necessary papers to the appropriate authority who has been vested under the statute to decide the issue of encroachment and the later authority immediately upon receipt of such papers shall take steps in accordance with the directions as passed hereinbefore.

Needless to mention that if the concerned authority arrives at a conclusion that there has been no encroachment upon the PWD road, such decision shall also be communicated to the petitioners and others within the time limit as indicated hereinbefore.

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.)