

Item-
7.

22-04-2026

WPA 7754 of 2026

sg

Ct. 19

Susanta Pattanayak
Versus
State of West Bengal & Ors.

Mr. Aswini Kr. Bera

Mr. Arijit Bera

...for the petitioner

Mr. Tarun Kumar Ghosh

Mr. Shaptarshi Guha

...for the State

Mr. Apurba Ghanti

Mrs. Priti Jain

...for the respondent nos.5-7

Affidavit of service filed in Court is taken on record.

The petitioner claims to be the recorded owner of plot no. 1374 under Khatian No. 1302, within Mouza Naranda, J.L. No. 83 under Police Station Panskura, in the District of Purba Medinipur. The petitioner states that a PWD Road is running adjacent to the aforesaid property of the petitioner. The petitioner alleges that the private respondents have made constructions by encroaching upon a portion of the PWD road in front of the property of the petitioner thereby causing obstruction to the ingress and egress of the petitioner from his property to the PWD road. The petitioner submitted a representation dated 9th February, 2026 before the Assistant Engineer, Panskura Highway Sub-Division, Public Works (Road) Directorate, praying for removal of unauthorized encroachment upon the PWD road.

The learned Counsel appearing for the petitioner submits that in spite of receipt of such representation, no steps have been taken by the respondent authorities to remove the encroachment from the PWD road till date.

The learned Advocate appearing for the private respondents, submits that the sixth respondent is not carrying on any business under the name and style of 'Bengal Fashion and Bengal Electrical'. He further submits that the private respondents have not made any construction by encroaching upon the PWD road. He further submits that the allegation of the petitioner that there is obstruction to ingress and egress of the petitioner from his property to the PWD road is without any basis.

The learned Advocate for the State submits that pursuant to the complaint made by the petitioner alleging unauthorized encroachment upon the PWD road, the Assistant Engineer, Panskura Highway Sub-Division, Public Works (Roads) Directorate, issued a letter being Memo dated 2nd April, 2026 to the Block Land & Land Reforms Officer, Panskura-I, Purba Medinipur requesting such authority to make a programme for a joint verification of the Government land in front of the plot no.1374 and to submit a sketch map clearly showing the details of encroachments if any, on the Government land along with the demarcation report. The learned Advocate for the State submits that the work of demarcation shall be carried out within the time limit as may be specified by this Court.

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

In the light of the submissions made by the learned Advocate for the respective parties and without entering into

the merits of the claims made by the petitioner in the representation dated 9th February, 2026, WPA 7754 of 2026, stands disposed of by directing the Block Land and Land Reforms Officer, Panskura-I Block to carry out the exercise of demarcation as per the request made by the jurisdictional Assistant Engineer vide Memo dated 2nd April, 2026 upon prior service of notice to the petitioner, private respondents and any other party/parties who may be affected by such demarcation and the demarcation report along with the sketch map shall be forwarded to the parties as well as to the Assistant Engineer, Panskura Highway Sub-Division, Public Works (Road) Directorate, being the third respondent.

The entire work of demarcation including the forwarding the reports to the parties as indicated hereinbefore shall be completed as expeditiously as possible but positively on or before May 20, 2026. If, upon enquiry, any encroachment upon the PWD road is found, the third respondent shall initiate appropriate proceedings 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 report from the concerned Block Land & Land Reforms Officer.

It is, however, made clear that if the third respondent is of the view that there has been no encroachment upon the PWD road, such decision shall also be communicated to the respective parties within the time limit indicated hereinbefore.

If the third respondent further is of the view that the issue relating to removal of encroachment does to fall within the jurisdiction of the third respondent, such authority shall

immediately forwarded the matter to the authority who has been vested with the power to remove the encroachment from the government land.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Hiranmay Bhattacharyya, J.)