

Sl. 8
16.04.2026
Court No.19
BP

WPA 8145 of 2026

Sk. Haniph Mahhamd & Anr.
-versus-
The State of West Bengal & Ors.

Mr. Sobhan Majumder
Ms. Kalpita Paul
..for the petitioners

Mr. Sk. Md. Galib, Sr. Govt. Advocate
Ms. Sujata Mukherjee
..for the State

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

The learned advocate appearing for the petitioners submits that the private respondents have been duly served.

In spite of service none appears for the private respondents.

The petitioners claim to be the owners of a plot of land being Dag No. 293 within Mouza Katabani under Police Station Egra in the District of Purba Medinipur. The petitioners state that the PWD road is running adjacent to the aforesaid property of the petitioners. The petitioners allege that the private respondents have raised an unauthorised construction by encroaching upon a portion of the PWD road thereby causing obstruction to the

ingress and egress of the petitioners from their property to the PWD road.

The petitioners claim to have submitted a representation dated 13th March, 2026 before various authorities including the Assistant Engineer, Contai Highway Sub Division, Public Works (Roads) Directorate praying for removal of encroachment.

The learned advocate appearing for the petitioners 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 PWD road.

Mr. Galib, learned senior Government advocate appears and denies the allegation of the petitioners. He submits that immediately upon receipt of the complaint from the petitioners alleging encroachment upon the PWD road, the Assistant Engineer, Contai Highway Sub Division, Public Works (Roads) Directorate being the 5th respondent has issued a notice vide memo dated 9th April, 2026 to the Block Land and Land Reforms Officer, Egra-1 requesting such authority to undertake a demarcation exercise of the road side Government plot situated in front of the plot of the petitioners and to submits a report on the points as indicated in the said memo.

On a query of the Court Mr. Galib, learned senior Government advocate, in his usual fairness, submits that no demarcation exercise has yet been conducted but the

same shall be completed within the time limit that may be fixed by this Court.

Since an allegation of encroachment has been made, it is the duty of the respondent authority to carry out a demarcation exercise and to take the proceeding to its logical conclusion as expeditiously as possible.

WPA 8145 of 2026 stands disposed of by the directing the Block Land and Land Reforms Officer, Egra, 1 No. Block, Purba Medinipur being the 6th respondent to conduct a demarcation exercise as requested by the 5th respondent by a memo dated 9th April, 2026 upon prior service of notice to the petitioners, the private respondents and any other person who may be affected by such demarcation and the demarcation report shall deal with the points as raised in the memo dated 9th April, 2026 and the demarcation report along with the sketch map shall be forwarded to the petitioners, the private respondents and any other person who may be affected by such demarcation as well as to the Assistant Engineer, Contai Highway Sub-Division, Public Works (Roads) Directorate. The entire exercise including forwarding of the report by the Block Land and Land Reforms Officer, Egra-1 shall be completed as expeditiously as possible but positively within a period of eight weeks from the receipt of a server copy of this order. Immediately upon receipt of the demarcation report, if any encroachment upon the PWD road is found, the Assistant Engineer, Contai Highway Sub

Division, Public Works (Roads) Directorate being the 5th respondent shall initiate an appropriate proceeding under the relevant statute and complete the entire exercise under the said provision as expeditiously as possible but positively within a period of six weeks from the receipt of a copy of the report from the concerned Block Land and Land Reforms Officer.

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.)