

Item-
12. 27-04-2026

sg Ct. 19

WPA 8533 of 2026

Abhijit Das
Versus
State of West Bengal & Ors.

Mr. Raj Kr. Sain

Mr. A. Roy

...for the petitioner

Mr. Sambuddha Dutta

Mr. Kaustav Chatterjee

...for the State

Mr. Salil Kumar Maiti

Ms. Dolan Samonta

...for the respondent nos.8-16 and 18-21

Affidavit of service filed in Court is taken on record.

The petitioner claims to be the recorded owner of a portion of a plot of land being LR Dag No. 433, within Mouza Lakshya, JL No. 161, within Police Station Mahishadal, in the District of Purba Medinipur. The petitioner alleges that a PWD road is running adjacent to the aforesaid property of the petitioner. The petitioner alleges that the private respondents have erected several structures by encroaching upon the PWD road thereby blocking the ingress and egress of the petitioner from his property to the said PWD road.

The learned Advocate appearing for the petitioner submits that the petitioner has submitted a representation dated 23rd February, 2026 before the Executive Engineer, Tamluk Highway Division, Public Works (Road) Directorate, as well as upon the Assistant Engineer, Haldia Highway Sub-Division, Public Works (Road) Directorate, for removal of the unauthorized encroachment from the PWD road. The learned Advocate for the petitioner submits that in spite of receipt of

such representation, no steps have been taken by the respondent authority to remove the encroachment from the PWD road till date.

The learned Advocate appearing for the private respondents has alleged that the construction was made by the petitioner and thereafter he has sold out the same to the private respondents.

The learned Advocate appearing for the State submits that necessary steps in accordance with law shall be taken if any encroachment upon the PWD road is found.

Without entering into the merits of the claim made by the petitioner in the representation dated 23rd February, 2026, this writ petition stands disposed of by directing the Assistant Engineer, Haldia Highway Sub-Division, Public Works (Roads) Directorate, being the fifth respondent, to consider the representation of the petitioner dated 23rd February, 2026 and after causing necessary enquiry and demarcation of the plot in question, through competent Amin/Surveyor, upon prior service of notice to the petitioner, private respondents and any other party/parties who may be affected by such demarcation and if any encroachment upon the PWD road is found, necessary proceeding in accordance with relevant statute shall be initiated and the entire exercise under the said provision shall be completed as expeditiously as possible but positively within a period of 12 weeks from the receipt of a server copy of this order along with a copy of the representation dated 23rd February, 2026.

Needless to mention that if the authority comes to the finding that the no portion of the PWD road was

encroached upon, such decision shall also be communicated by the fifth respondent to the petitioner within the time limit as indicated hereinbefore.

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

(Hiranmay Bhattacharyya, J.)