

Item-
13. 27-04-2026

sg Ct. 19

WPA 8539 of 2026

Syed Nasir Ali
Versus
State of West Bengal & Ors.

Mr. Arinava Ganguly
...for the petitioner
Mr. K.J. Yusuf, AGP
Mr. Sanjay Mukherjee
...for the State
Mr. Sabyasachi Mukherjee
Ms. Debjani Chakraborty
Mr. Ranabeer Halder
Ms. Sarmina Khatun
...for the respondent nos.10&11

Affidavit of service filed in Court is taken on record.

The petitioner claims to be the recorded owner of a plot of land being Dag No. 2943, within Mouza Sripatipur, JL no. 153, under Police Station Haripal, in the District of Hooghly. The petitioner alleges that the private respondents herein have encroached upon a portion of the PWD road running adjacent to the aforesaid property of the petitioner.

The petitioner submitted a representation dated 6th February, 2026 before the Assistant Engineer, Serampore Highway Sub-Division, Public Works (Road) Directorate, requesting the said authority to remove the encroachment upon 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 petitioner has filed a civil suit being Title Suit No. 6 of 2026 before the learned Civil Judge (Junior Division), 2nd Court at Chandnanagar to evict the

private respondents from a portion of the aforesaid plot of land. He submits that since the petitioner has approached the Civil Court, no relief should be granted to the petitioner in this writ petition.

The Advocate appearing for the State submits pursuant to the representation submitted by the petitioner, the Serampore Highway Sub-Division, Public Works (Road) Directorate has requested the Block Land & Land Reforms Officer, Haripal to take necessary steps for demarcation of the Government land in LR Dag No. 2943 and to submit a detailed report along with a sketch map indicating the Government land in respect of LR Dag No. 2943.

After going through the plaint of Title Suit no. 6 of 2026, this Court finds that the said suit is a suit for declaration, eviction of the private respondents, mandatory injunction, recovery of possession and permanent injunction against the private respondents. The petitioner has sought for a declaration that the petitioners are the absolute owners of 'A' schedule property and for a further declaration that the 'A-1' schedule property is part and parcel of 'A' schedule property. 'A' schedule property has been described in the schedule of plaint to be LR plot No. 2943 under Khatian Nos. 4915 and 4923, measuring 3.33 decimal. 'A-1' schedule property is a part of 'A' schedule property in the eastern side measuring about 450 sq.ft. A rough sketch map has also been appended to the plaint of the said suit. A metal road has also been indicated in the said sketch map which lies on the eastern side of the 'A-1' schedule property.

The subject matter of the Civil Suit relates to 'A-1'

schedule property which is a part of 'A' schedule property being LR dag No. 2943 and the measurement of the 'A-1' schedule property is 450 sq.ft. However, in the representation submitted by the petitioner before the concerned Assistant Engineer, it appears that the petitioner has alleged encroachment upon the PWD road in front of the plot no. 2943.

The question that arises for consideration is whether this Court should entertain this writ petition when a Civil Suit is pending.

Upon going through the plaint of the said suit and the representation dated 6th February, 2026, it prima facie, appears to this Court that the petitioner has sought for eviction from a portion of 'A' schedule property being LR dag no. 2943 in the title suit and has prayed for removal of encroachment from the PWD road by submitting a representation before the concerned Assistant Engineer.

In view thereof, this Court feels that the respondent authorities should be directed to decide the issue of encroachment insofar as the land belonging to the Public Works Department, Government of West Bengal is concerned.

Accordingly, this writ petition stands disposed of by directing the Assistant Engineer, Serampore Highway Sub-Division, Public Works (Road) Directorate, being the fifth respondent to consider the representation of the petitioner dated 6th February, 2026 and after causing necessary enquiry and demarcation through the Block Land & Land Reforms Officer concerned upon prior service of notice to the

petitioner, the private respondent and any other persons who may be affected by such demarcation and if upon such demarcation it is found that any portion of the PWD road is encroached upon, necessary proceeding in accordance with law 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 6th February, 2026.

It is, however, made clear that, while deciding the aforesaid issue, the respondent authorities shall restrict the inquiry insofar as the land belonging to the Public Works Department is concerned and the respondent authority shall not extend its enquiry to the subject matter of the property involved in the Title Suit No. 6 of 2026.

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

(Hiranmay Bhattacharyya, J.)