

D/L- 11
21/04/2026
Ct. No.-19
Aritra

WPA 8618 of 2026
Manimoy Debnath
Vs.
The State of West Bengal & Ors.

Mr. Sujit Bhunia

....for the petitioner

Ms. Mitali Mukherjee
Mr. Somenath Ghosh

....for the State

Mr. Santimoy Bhattacharyya
Mr. Ziaul Haque

....for the respondent Nos.7 & 8

Mr. Atanu Chakraborty
Ms. Rimi Ghora

....for the respondent Nos.13-16 & 19-20

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

The petitioner claims to be owner of Plot No.160/267 within Mouza-Raipur, J.L. No.339 in the District of Paschim Medinipur.

The petitioner states that a PWD road from Shyamalpur to Demouli is running adjacent to the aforesaid property of the petitioner. The petitioner alleges that the private respondents have erected the unauthorised construction by encroaching upon the PWD road thereby obstructing ingress and egress of the petitioner from his property to the PWD road.

The petitioner submitted a representation dated March 5, 2026 before various authorities including the Assistant Engineer, Directorate of Public Works (Road),

Kharagpur Highway Sub-Division, praying for removal of unauthorised encroachment from the PWD road.

The learned advocate 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.

Mr. Chakraborty, learned advocate appearing for the private respondents denies the allegation made by the petitioner in the writ petition. He submits that the private respondents are carrying on business of street vending and have not encroached upon any portion of the PWD road. He further submits that no construction has been made by the private respondents by encroaching thereupon.

The learned advocate appearing for the Zilla Parishad submits that the land in question whereupon the allegation of encroachment has been made belongs to the Zilla Parishad and maintained and controlled by the Public Works Department of the Government of West Bengal.

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

In the light of the submission made by the learned advocates for the respective parties and without entering into the merits of the claim made by the petitioner in the representation dated March 5, 2026, WPA 8618 of 2026 stands disposed of by directing the Assistant Engineer, Directorate of Public Works (Road), Kharagpur Highway

Sub-Division, being the respondent No.5 to consider the representation of the petitioner dated March 5, 2026 and after causing necessary enquiries and demarcation through competent Amins/Surveyors upon prior service of notice to the petitioner, the private respondents and any other persons, who may be affected by such demarcation and upon such demarcation if it is found that there has been any encroachment upon the PWD road, necessary proceedings in accordance with the provisions of the relevant statute shall be initiated and the entire exercise shall be completed as expeditiously as possible but positively within a period of 12 weeks from the date of receipt of a server copy of this order together with a copy of the representation dated March 5, 2026.

In the event, the authorities arrive at a conclusion that there has been no encroachment upon the PWD road, such decision shall also be communicated to the petitioner and others within the time limit as indicated hereinbefore.

There will be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Hiranmay Bhattacharyya, J.)