

Court No. 19
(265719)

21.04.2026
(AD 14)
(S. Banerjee)

WPA 8889 of 2026

Biswajit Biswas & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Kartick Kumar Bhattacharya
Mr. Subhas Ch. Dutta
Ms. Soumashree Dutta
Ms. Papiya Naskar

...for the petitioners

Mr. Chandi Charan De, Ld. AGP
Mr. Chandan Ghosh

...for the State

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

Learned advocate appearing for the petitioners
submits that the registered envelop addressed to the
respondent no. 8 returned with the endorsement
'refused'.

Mr. Bhattacharya, learned advocate appearing
for the petitioners, on instructions, submits that the
petitioners are not willing to proceed against the
respondent nos. 9 to 14.

Such submission of Mr. Bhattacharya is placed
on record.

The petitioners claim to be the owner of plot no. 756 within Mouza – Murutia under Karimpur Police Station in the district of Nadia. Petitioners state that a state highway is running adjacent to the aforesaid property of the petitioners from Krishnagar to Karimpur. Petitioners allege that the respondent no. 8 has raised an unauthorized construction by encroaching upon the PWD road thereby causing obstruction to the ingress and egress of the petitioners from their property to the PWD road. Petitioners submitted a representation dated October 29, 2025 before the Assistant Engineer Directorate of Public Works Department Plassey Highway Sub-Division Plassey, Mira Kadamtalapara, Nadia, praying for removal of encroachment from the PWD road. Petitioners submit that in spite of receipt of such representation, no steps have been taken to remove encroachment from the PWD road.

Mr. De, learned AGP, submits that necessary steps in accordance with law shall be taken if any unauthorized encroachment is found.

In the light of the submissions made by the learned advocates for respective parties, this writ petition stands disposed of by directing the Assistant Engineer, Govt. of West Bengal, Directorate of Public

Works Department, Plassey Highway Sub-Division PW. Department Mira Kadamtala Para, Plassey, Nadia, being the 2nd respondent, to consider the representation of the petitioners dated October 29, 2025 and after causing necessary enquiry and demarcation through competent Amin/Surveyor upon prior service of notice to the petitioners, the private-respondent and any other person who would be affected by such demarcation and upon such demarcation if it is found that there has been any encroachment upon the PWD road, necessary proceeding in accordance with relevant provisions of the 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.

Needless to mention that though the petitioners restricted their prayer in the writ petition for removal of encroachment made by the respondent no. 8, the authorities while taking steps for removal of encroachment shall be free to remove the encroachment made by any other encroachers from the said land.

If the said authority arrives at a conclusion that there has been no encroachment, such decision shall

also be communicated to the petitioners and others within the time limit stipulated hereinbefore.

(Hiranmay Bhattacharyya, J.)