

D/L.21.
April 20, 2026.
MNS.

WPA No. 9134 of 2026

Deepak Sonar
Vs.
The State of West Bengal and others

Mr. Swarup Banerjee,
Mr. Sajal Kumar Ghosh,
Mr. Arindom Chatterjee,
Mr. Bishal Mondal,
Mr. Atik Masud Molla, Advs.

... for the petitioner.

Mr. Joydip Banerjee,
Ms. Mousumi Banerjee, Advs.

...for the State.

1. Affidavit-of-service filed in Court today is taken on record.
2. The learned advocate appearing for the petitioner submits that the private respondents have been duly served.
3. Despite service none appears for the private respondents.
4. The petitioner claims to be the owner of a plot of land within Mouza- Dongiara Village, J. L. No. 69, under Police Station- Nodakhali, District- 24-Parganas (South).
5. The petitioner states that a PWD road is running adjacent to the aforesaid property of the petitioner. The petitioner alleges that the private respondents have encroached upon a portion of the PWD road, which is in front of the aforesaid property of the petitioner, thereby

causing obstruction to the ingress and egress of the petitioner from his property to the PWD road.

6. The petitioner claims to have submitted a representation dated March 11, 2026 before the various authorities, including the Assistant Engineer, Diamond Harbour Highway Sub-Division, Public Works (Roads) Department, Government of West Bengal.

7. The learned advocate appearing for the petitioner submits that in spite of such representation, no steps have been taken by the respondent authorities to remove the encroachment from the PWD road.

8. 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 made.

9. Since allegation of encroachment upon the PWD road has been made, it is the duty of the respondent authorities to take steps in accordance with law, if any encroachment upon the PWD road is found.

10. Without entering into the merits of the claim made by the petitioner in the representation dated March 11, 2026, WPA No. 9134 of 2026 stands disposed of by directing the Assistant Engineer, Diamond Harbour Highway Sub-Division, Public Works (Roads) Department, Government of West Bengal, being the respondent no. 4, to consider the representation of the petitioner dated March 11, 2026 and after causing necessary enquiries and demarcation by engaging competent Amin/Surveyor upon prior service of

notice to the petitioner, the private respondents and any other person, who may be affected by such demarcation and upon such demarcation, if any encroachment upon the PWD road is found, necessary proceedings in accordance with Section 10 of the West Bengal Highways Act, 1964 shall be initiated and the entire exercise under the said provision shall be completed as expeditiously as possible, but positively within a period of twelve weeks from the date of receipt of a server copy of this order along with a copy of the representation dated March 11, 2026.

11. In the event, the respondent 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 other parties within the time limit indicated hereinbefore.

12. There will be no order as to costs.

13. Urgent certified copy of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Hiranmay Bhattacharyya, J.)