

Court No. 19
(265719)

08.06.2026
(AD 5)
(S. Banerjee)

WPA 9092 of 2026

Alauddin Sheik
Vs.
State of West Bengal & Ors.

Mr. Biswajit Das

...for the petitioner

Ms. Susmita Saha Dutta, Id. AGP
Mr. Madhu Jana
Mr. Ritam Chatterjee
Ms. Puja Sonkar

...for the State

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

The petitioner claims to be the owner of a plot of land being LR plot no. 9, Khatian No. 2461 within Mouza – Chandipur, under Tarapith Police Station in the district of Birbhum. The petitioner claims to be running a tourist lodge therefrom. The petitioner alleges that the private-respondent has raised an unauthorized construction by encroaching upon the PWD road thereby causing obstruction to the ingress and egress from the lodge of the petitioner to the main road. The petitioner claims to have submitted a representation before the Executive Engineer PWD (Road) dated February 7, 2026 praying for removal of the encroachment from the PWD road. A copy of such representation was also forwarded to the concerned Assistant Engineer.

Learned advocate appearing for the petitioner submits that in spite of receipt of such representation, no steps have been taken by the respondent authorities till date.

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

Learned advocate appearing for the petitioner submits that the respondents have been duly served.

In spite of service, none appears for the State as well as the private-respondent.

Ms. Saha Dutta, learned AGP, who usually represents the State, is present in Court and is requested to appear in this matter.

Let the appointment of Ms. Saha Dutta, along with a junior of her choice, be regularized by the competent authority.

A copy of the writ petition has been served upon Ms. Saha Dutta in course of hearing.

Since an allegation of encroachment upon the PWD road has been made, it is the duty of the respondent authority to enquire into the matter and take steps to remove the encroachment from the PWD road, if any.

Ms. Saha Dutta submits that steps in accordance with law shall be taken if any encroachment upon the PWD road has been found.

In the light of the submission made by the learned advocates for the respective parties, this writ petition stands disposed of by directing the Assistant Engineer, PWD (Road), Rampurhat Sub-Division, Birbhum, being the 4th respondent, to consider the representation of the petitioner dated February 7, 2026 and after causing necessary enquiry and demarcation through competent Amin/Surveyor etc. upon prior service of notice to the petitioner, the private-respondent and any other person 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, steps in accordance with the provisions of West Bengal Highways Act, 1964 shall be taken and the entire exercise under the said provision shall be completed as expeditiously as possible but positively within a period of 10 weeks from the receipt of a server copy of this order along with a copy of the representation dated February 7, 2026.

(Hiranmay Bhattacharyya, J.)