

Item- 10-06-2026
16.

Ct. 19
sg

WPA 11190 of 2026

Achintya Hazra
Versus
State of West Bengal & Ors.

Mr. Anup Dasgupta
...for the petitioner
Mr. Nilanjan Bhattacharjee
Ms. Jayita Dhar Chakraborty
Mr. Rajen Dutta
...for the State

In spite of service, none appears on behalf of the State.

Mr. Bhattacharjee, learned Senior Standing Counsel, who usually represents the State of West Bengal, is present in Court and is requested to appear in this matter along with a junior of his choice.

Let the appointments of Mr. Bhattacharjee along with a junior of his choice be regularized by the competent authority.

Let a copy of the writ petition be served upon the junior of Mr. Bhattacharjee in course of this day.

The petitioner claims to be the owner of a plot of land being No.761, Khatian No. 7471, J.L. No. 131, under Mouza Khodambari, in the District of Purba Medinipur. The petitioner states a PWD road is running adjacent to the aforesaid property of the petitioner. 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 of the petitioner from his property to the PWD road. The petitioner submitted a representation on 10th December, 2025 before various authorities including the Assistant Engineer, Public Works

Department, Haldia Construction Sub-Division-I, praying for removal of encroachment upon 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 till date.

Mr. Bhattacharjee, learned Senior Standing Counsel submits that necessary steps shall be taken in accordance with law if any encroachment from the PWD road is found.

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 10th December, 2025, this writ petition stands disposed of by directing the Assistant Engineer, Public Works Department, Haldia Construction Sub-Division-I, being the fourth respondent to consider the representation of the petitioner dated 10th December, 2025 and after causing enquiry and demarcation of the disputed plot by engaging competent Amin/Surveyor, upon prior notice to the petitioner, private respondent and any other party/parties who may be affected by such demarcation and upon such demarcation, if any encroachment upon the PWD road is found, necessary proceeding in accordance with the provisions of West Bengal Highway Act, 1964 shall be initiated and the entire exercise under the said statute shall be completed as expeditiously as possible but positively within a period of ten weeks from the receipt of a server copy of this order along with a copy of the representation dated 10th December, 2025.

Needless to mention that if it is found that there has been no encroachment upon the PWD road, such decision

shall also be communicated by the fourth respondent to the petitioner within the time limit as indicated hereinbefore.

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

(Hiranmay Bhattacharyya, J.)