

Item-
14. 13-01-2026

WPA 11081 of 2025

sg Ct. 19

Amit Kumar Sarkar
Versus
The State of West Bengal & Ors.

Mr. Parashar Baidya
Mr. Priyankar Ganguly
Ms. Shalini Bairagi
Ms. Pipasa Chakraborty
...for the petitioner
Mr. Chandi Charan De, AGP
Ms. Reshma Chatterjee
...for the State

Affidavit of service filed in Court is taken on
Record.

The learned Counsel appearing for the petitioner
submits that the respondent authorities have been duly served.

In spite of service, none appears for the private
respondent.

The petitioner claims to be the owner of LR Plot No.
1212 corresponding to RS plot No. 991, within Mouza
Uttampur, under Police Station Karimpur, in the District of
Nadia. The petitioner states that State Highway No.11 under
the control and maintenance of Public Works Department is
running adjacent to the aforesaid property of the petitioner.
The petitioner further submits that the private respondent
herein has made an illegal construction by encroaching upon
the State Highway thereby causing obstruction to the ingress
and egress of the petitioner from his property to the State
Highway.

The petitioner submitted a representation dated 5th
February, 2025 before various authorities including the

Assistant Engineer, Public Works Department, Plassey Sub-Division and a reminder was also given by a letter dated 17th April, 2025 praying for removal of encroachment from the State Highway to the property of the petitioner.

The learned Advocate appearing for the petitioner submits that in spite of receipt of the aforesaid representations, no effective step for removal of the encroachment from the State Highway has been taken by the respondent authorities till date.

Mr. De, learned Additional Government Pleader, submits that necessary steps for removal of encroachment shall be taken if an encroachment upon the State Highway is found.

Since the allegation of unauthorized and illegal encroachment upon the State Highway has been made, it is the duty of the respondent authorities to consider such representations and to take necessary steps in the event it is found that the State Highway or any portion thereof has been encroached.

In the light of the submissions made by the respective parties, WPA 11081 of 2025, stands disposed of by directing the Assistant Engineer, Public Works Department, Plassey Sub-Division, being the second respondent to consider the representation of the petitioner dated April 17, 2025 and after making necessary enquiry and demarcation, if any encroachment upon the State Highway is found, necessary steps in accordance with provisions of 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 six weeks from the date of receipt of a server copy of this order along with a copy of the representation dated 17th April, 2025.

In case it is found that there has been no encroachment upon the State Highway, such decision shall also be communicated by the second respondent to the petitioner within the time limit as indicated hereinbefore.

It is, however, made clear that this Court has not gone into the merits of the claim made in this writ petition and all points are kept open to be decided by the said respondent.

The writ petition is disposed of.

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

(Hiranmay Bhattacharyya, J.)