

Court No. 19
(265719)

WPA 11848 of 2026

11.06.2026
(AD 5)
(S. Banerjee)

Palash Kumar Ghosh Chowdhury @ Palash Chandra
Ghosh Chowdhury & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Atis Kumar Biswas

...for the petitioners

Mr. Nilanjan Bhattacharjee, Sr. Advocate
Ms. Jayita Dhar Chakraborty
Mr. Rhitam Chatterjee

...for the State

The petitioners claim to be the owner of a plot of land being Dag No. 3908 under Mouza – Barnia, JL No. 26, Block – Tehatta-II, Police Station – Palashipara in the district of Nadia. Petitioners state that there is a PWD road running adjacent to the aforesaid property of the petitioners. Petitioners allege that the private-respondents have raised construction by encroaching upon the PWD road thereby obstructing the ingress and egress of the petitioner. Petitioners submitted a representation before the Executive Engineer, Public Works (Road) Directorate, Plassey Highway Sub Division by a letter dated April 27, 2026.

Learned advocate appearing for the petitioners submits that in spite of receipt of such representation as well as earlier representations, no steps have been

taken by the respondent authorities to remove the encroachment from the PWD road.

Learned advocate appearing for the private-respondents denies the allegations made by the learned advocate appearing for the petitioner. He submits that the private-respondents have not made any construction by encroaching upon any portion of the PWD road.

Mr. Bhattacharjee, learned Sr. Standing Council appearing for the State, submits that necessary steps in accordance with law shall be taken if any encroachment, upon a demarcation being made, is found.

On a query of the Court as to how soon such demarcation can be made, Mr. Bhattacharjee submits that the demarcation can be made through the concerned Block Land and Land Reforms Officer within a period of two weeks from date.

Since an allegation of unauthorized encroachment upon 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.

In the light of the submissions made by the learned advocates for the respective parties, this writ petition stands disposed of with the following orders:

- i) The Block Land and Land Reforms Officer, Tehatta – II, Nadia, being the 8th respondent, is directed to depute competent Amin/Surveyor for the purpose of demarcation of the government land in front of the property of the petitioners as specifically stated in paragraph 6 of the writ petition and the representation dated April 27, 2026 and to prepare a demarcation report along with a sketch map;
- ii) The entire work of demarcation shall be carried out upon prior service of notice to the petitioners, the private-respondents and any other person who may be affected by such demarcation and the same should be completed within a period of two weeks from the receipt of a server copy of this order;
- iii) Upon completion of the demarcation, the demarcation report along with the sketch map shall be forwarded to the petitioners, the private-respondents and any other person who may be affected by such demarcation as well as to the Assistant Engineer Public Works (Roads) Directorate, Plassey Highway Sub-Division, Plassey, Nadia, being the 7th respondent;

- iv) Immediately upon receipt of the said report from the concerned Block Land and Land Reforms Officer, if any encroachment upon the PWD road is found the 7th respondent shall initiate appropriate proceeding under the West Bengal Highways Act, 1964 and complete the entire exercise as expeditiously as possible but positively within a period of four weeks from the receipt of a copy of the report from the concerned Block Land and Land Reforms Officer
- v) Needless to mention that if the authorities arrive at a conclusion that there is no encroachment upon the PWD road, such decision shall also be forwarded to the petitioners and others within the time limit indicated hereinbefore.

Petitioners are directed to serve a server copy of this order as well as copy of the representation to the concerned Block Land and Land Reforms Officer and the Assistant Engineer, Public Works (Roads) Directorate, Plassey Highway Sub-Division, Plassey, being the 7th respondent and the B.L & L.R.O, i.e., the 8th respondent.

(Hiranmay Bhattacharyya, J.)