

D/L- 4
24/06/2026
Ct. No.-19
Aritra

WPA 12610 of 2026

**Subrata Roy
Vs.**

The State of West Bengal & Ors.

Mr. Pankaj Halder
Ms. Dipannita Laha

....for the petitioner

Ms. Jayita Dhar Chakraborty
Mr. Rhitam Chatterjee

....for the State

Mr. Shaunak Ghosh
Mr. Rajesh Naskar

....for the respondent nos.9, 11-14

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

The petitioner claims to be the owner of a plot of land being Plot Nos.160 and 161 within Mouza-Dhakhin bishnupur, J.L. No.103 in the District of South 24-Parganas.

The petitioner alleges that adjacent to the aforesaid property of the petitioner there is a land belonging to the Public Works Department and the land of the Irrigation and Waterways Department of the Government of West Bengal. The petitioner alleges that the private respondents have raised an unauthorised construction by encroaching upon the PWD land thereby causing obstruction to the ingress and egress of the petitioner from his property to the main road.

The petitioner submitted a representation before the Assistant Engineer, PWD, Joynagar Sub-Division by a

letter dated May 23, 2026 requesting such authority to remove the encroachment from the PWD land.

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

The learned advocate appearing for the private respondents denies the allegations made by the petitioner. He submits that the private respondents have not encroached upon any portion of the PWD land. He further submits that the construction of the private respondents have not caused any obstruction to the ingress and egress of the petitioner from his property to the main road.

The learned advocate appearing for the State submits that necessary steps in accordance with law shall be taken if any encroachment upon the PWD land is found.

Without entering into the merits of the claim made by the petitioner in the representation dated May 23, 2026, WPA 12610 of 2026 stands disposed of by directing the Assistant Engineer, PWD, Joynagar Sub-Division, being the respondent no.4 to consider the representation of the petitioner dated May 23, 2026 and after causing necessary enquiries and demarcation by engaging competent Amins/Surveyors upon prior service of notice to the petitioner, the private respondents and any other persons, who may be affected by such demarcation and upon such demarcation if it is found that any portion of

the PWD land is encroached upon, necessary proceedings in accordance with the relevant provisions of the statute for removal of encroachment shall be initiated and the entire exercise 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 May 23, 2026.

If such authority is of the view that the issue regarding removal of encroachment do not fall within its jurisdiction, such decisions shall be communicated to the petitioner and others within the time limit as mentioned hereinbefore.

Needless to mention that if the said authority arrives at a conclusion that there has been no encroachment upon the PWD land, such decision shall also be communicated to the petitioners and others within the time limit as mentioned hereinbefore.

There will be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Hiranmay Bhattacharyya, J.)