

Court No. 19
(265719)

23.06.2026
(AD 12)
(S. Banerjee)

WPA 12487 of 2026

Palan Halder & Anr.
Vs.
Union of India & Ors.

Mr. Supriyo Shasmal
...for the petitioners

Mr. Noni Gopal Chakraborty
Mr. Iswar Chandra Maiti
...for the Union of India

Mr. Nilanjan Bhattacharjee, SSC
Ms. Jayita Dhar Chakraborty
Mr. Rhitam Chatterjee
...for the respondent nos. 2, 5 and 7

Mr. Sabyasachi Chatterjee
Mr. Dipankar Das
Mr. Aritra Ghosh
...for the respondent no. 8

Petitioners claim to be owner of Dag No. 1203 within Mouza Sitarampur under Harwood Point Coastal Police Station in the district of South 24 Parganas.

Learned advocate appearing for the petitioners submits that adjacent to the aforesaid property of the petitioners, a National Highway maintained by the Public Works Department of the Government of West Bengal, is running. He further submits that the private-respondents have encroached upon a portion of the PWD road thereby causing obstruction to the ingress and egress of the petitioners from their property to the PWD road. Petitioners submitted a representation dated April 27, 2026 before various

authorities including the Assistant Engineer, Diamond Harbour Highway Sub-Division PW (Road) Directorate requesting such authority to remove the encroachment from the PWD road. He further submits that in spite of receipt of such representation, no steps have been taken by the said respondent till date.

Learned advocate appearing for the private-respondents denies the allegation of the petitioners. He submits that the private-respondents have not encroached upon any portion of the PWD road but is in possession of a portion of Dag No. 1203. He submits that the issue relating to encroachment upon a raiyati property cannot form the subject-matter of a writ petition.

Mr. Bhattacharjee, SSC, submits that steps in accordance with law shall be taken if any encroachment upon the PWD road is found.

Heard the learned advocate for the Union of India.

Since an allegation of encroachment upon PWD road has been made, it is the duty of the respondent authorities to consider the representation and take steps in accordance with law if any encroachment upon the PWD road is found.

Without entering into the merits of the claim made by the petitioners in the representation dated April 27, 2026, this writ petition stands disposed of by directing the Assistant Engineer, Diamond Harbour Highway Sub-Division, PW(Road) Directorate, being the 6th respondent herein, to consider the representation dated April 27, 2026 and after causing necessary enquiry and demarcation by engaging competent Amin/Surveyor upon prior service of notice to the petitioners, private-respondents and any other person who may be affected by such demarcation and upon such demarcation if it is found that any portion of the PWD road has been encroached upon, a proceeding in accordance with relevant provisions of the statute 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 together with a copy of the representation dated April 27, 2026.

It is, however, made clear that in the event the 6th respondent is of the view that the issue relating to removal of encroachment does not fall within his jurisdiction, such decision shall also be communicated to the petitioners and others and in such event, it will be open to the petitioners to take steps in accordance with law.

Before parting, this Court makes it clear that the 6th respondent while adjudicating the issue relating to encroachment upon the PWD road shall restrict its enquiry insofar as the PWD road is concerned. In case the petitioners are aggrieved by the encroachment made by the private-respondents upon any portion of their raiyati property, it will be open to the petitioners to approach the appropriate forum in accordance with law.

(Hiranmay Bhattacharyya, J.)