

Item- 16-06-2026
33.

Ct. 19
sg

WPA 12691 of 2026

Sk. Amir Ali & Ors.
Versus
State of West Bengal & Ors.

Sk. Sahjahan Ali
...for the petitioners
Mr. Nilanjan Bhattacharjee
Ms. Jayita Dhar Chakraborty
Mr. Rajen Dutta
...for the State
Mr. Arun Kumar Das
...for the private respondents

Affidavit of service filed in Court is taken on record.

The petitioners claim to be the owners of a plot of land being LR Dag No. 693/1239, JL 244, within Mouza Jagti, under Police Station Patashpur, in the District of Purba Medinipur. The petitioners state that a PWD road from Kharui More to Itaberia Road is running adjacent to the aforesaid property of the petitioner. The petitioners allege that the private respondents have raised an unauthorized construction by encroaching upon the PWD road thereby causing obstruction to the ingress and egress of the petitioners from his property to the PWD road. The petitioners submitted a representation before the Assistant Engineer, Public Works Department, Contai Highway Sub-Division, praying for removal of encroachment upon the PWD road.

The learned Advocate appearing for the petitioners submit 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.

The learned Advocate appearing for the private respondents submits that the private respondents are the owners of the plots of land being LR dag Nos. 694 and 695.

He further submits that the portions of the aforesaid plots have been acquired for the purpose of construction of the PWD road. He submits that a proceeding for payment of compensation in respect of the said acquired portion is pending before the concerned authority. He further submits that the private respondents have put up fencing on the un-acquired portion of the aforesaid plots of land and no portion of the PWD road has been encroached upon by the private respondents.

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 petitioners in the aforesaid letter which is appearing at page 26 of this writ petition, this writ petition stands disposed of by directing the Assistant Engineer, Public Works Department, Contai Highway Sub-Division, being the fourth respondent to consider the representation of the petitioner which is annexed at page 26 of the writ petition and after causing enquiry and demarcation of the disputed plot by engaging competent Amin/Survior, upon prior notice to the petitioners, private respondents 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 under relevant statute for removal of encroachment 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 which is annexed at page 26 of the writ petition.

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 petitioners and others 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.)