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12.

Ct. 19

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WPA 12552 of 2025

Manik Maity & Ors.
Versus
State of West Bengal & Ors.

Mr. Balaram Pandit
Mr. Krishna Deo Das
...for the petitioners
Mr. Subhendu Bandopadhyay
Mr. Tapas Kumar Das
...for the State

The affidavit of service filed in Court is taken on record.

The learned Advocate for the petitioners submits that the private respondents have been duly served. In spite of service none appears for the private respondents.

The petitioners claim to be the owners of a plot of land within Mouza Rasan, J.L. No. 128 in the District Purba Medinipur. The petitioners state that the private respondents herein have raised a construction by encroaching upon the PWD road thereby causing obstruction to the ingress and egress of the petitioners from their property to the PWD road.

The learned Advocate appearing for the petitioners submits that the petitioners have submitted a representation dated 27th May, 2025 before the Assistant Engineer, Contai Highway Sub-Division, Public Works (Roads) Directorate praying for removal of the encroachment from the PWD road. He submits 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 State submits that necessary steps in accordance with law shall be

taken if any encroachment upon the PWD road is found.

In the light of the submissions made by the learned Advocates for the respective parties, WPA 12552 of 2025, stands disposed of by directing the Assistant Engineer, Contain Highway Sub-Division, Public Works (Roads) Directorate, being the sixth respondent, to consider the representation of the petitioners dated 27th May, 2025 and after causing necessary enquiries and demarcation of the plot in question, through competent Amin/Surveyor, upon prior service of notice to the petitioners, private respondents and any other party/parties who may be affected by such demarcation and if any encroachment upon the PWD road is found, necessary proceeding in accordance with 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 10 weeks from the receipt of a server copy of this order along with a copy of the representation dated 27th May, 2025.

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 sixth 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.)