

D/L- 7
24/06/2026
Ct. No.-19
Aritra

WPA 13116 of 2026

Nashirun Bibi
Vs.
The State of West Bengal & Ors.

Mr. Anjan Bhandari
Mr. Balaram Pandit
Mr. Krishna Deo Das

....for the petitioner

Ms. Jayita Dhar Chakraborty
Mr. Rhitam Chatterjee

....for the State

Mr. Sk. Sahjahan Ali

....for the respondent nos.7-10

The petitioner claims to be the owner of a plot of land being Dag No.2696 within Mouza-Kasbagola under Police Station-Egra in the District of Purba Medinipur.

The petitioner states that there is a land belonging to the Public Works Department, Government of West Bengal adjacent to the aforesaid property of the petitioner. The petitioner states that the private respondents have erected certain structures by encroaching upon the PWD road.

The petitioner submitted a representation before the Assistant Engineer, Contai Highway Sub-Division by a letter dated June 2, 2026 requesting such authority to remove the encroachment from the PWD road.

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 road.

The learned advocate appearing for the private respondents denies the allegations made by the petitioner. He submits that the co-sharers of the petitioner have permitted the private respondents to raise construction on a portion of a *raiya* property. He submits that no portion of the PWD land has been encroached upon by the private respondents.

The learned advocate appearing for the State submits that immediately after forwarding a copy of the representation dated June 2, 2026 through registered speed post the petitioner has approached this Court by filing a writ petition on June 12, 2026. She submits that it cannot be said that there has been inaction on the part of the respondent authorities.

However, considering the fact that an allegation of encroachment has been made by the petitioner it is the duty of the respondent authorities to enquire into the matter 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 petitioner in the representation dated June 2, 2026, WPA 13116 of 2026 stands disposed of by directing the Assistant Engineer, Contai Highway Sub-Division, Public Works (Roads) Directorate, being the respondent no.4 to consider the representation of the petitioner dated June 2, 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 16 weeks from the receipt of a server copy of this order along with a copy of the representation dated June 2, 2026.

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 petitioner 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.)