

Court No. 19
(265719)

23.06.2026
(AD 17)
(S. Banerjee)

WPA 13356 of 2026

Ramchandra Kayal
Vs.
The State of West Bengal & Ors.

Mr. Sandipan Maity
...for the petitioner

Mr. Nilanjan Bhattacharjee, SSC
Ms. Jayita Dhar Chakraborty
Mr. Rhitam Chatterjee
...for the State

Mr. Malay Bhattacharyya
Mr. Subhrojyoti Ghosh
...for the respondent nos. 8 & 9

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

Petitioner claims to be owner of Dag No. 8222
within Mouza Jalaberia, JL No. 20 under Kultali
Police Station in the district of South 24 Parganas.
Petitioner states that a PWD road is running adjacent
to the aforesaid property of the petitioner. The
petitioner alleges that the private-respondents have
encroached upon a portion of the PWD road laying in
front of the property of the petitioner thereby causing
obstruction to the ingress and egress of the petitioner
from his property to the PWD road. Petitioner
submitted a representation before the Assistant
Engineer Public Works Department (Roads),
Lakshmikantapur Highway Sub-Division, PW(Roads)
Directorate by a letter dated February 23, 2026

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 to remove the encroachment from the PWD road.

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

Learned advocate appearing for the private-respondents denies the allegation of the petitioner. He submits that the private-respondents have not encroached upon any portion of the PWD road. He further submits that the shop room of the private-respondents is upon LR Dag No. 8214 and the same is situated far away from the PWD road and the private-respondents are using the shop room for the last 30 years upon obtaining requisite permission from the Panchayat authority

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

February 23, 2026, this writ petition stands disposed of by directing the Assistant Engineer, Public Works Department (Roads) Directorate, Lakshmikantapur Highway Sub-Division, being the 5th respondent herein, to consider the representation dated February 23, 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 February 23, 2026.

Needless to mention that if such authority arrives at a conclusion that there is no encroachment upon the PWD road, such decision shall also be communicated to the petitioner and others within the time limit as stipulated hereinbefore.

(Hiranmay Bhattacharyya, J.)