08.10.2026
Sl. No. 21 (DL)
Ct.No.19
(Susanta)
(Bench I.D. 266052)

WPA 13447 of 2025

Shyamapada Goswami
Vs.
The State of West Bengal & Ors.

Mr. Rahul Agarwala,
Ms. Puja Sonkar,
... for the Petitioners.
Ms. Jayita Dhar Chakraborty,
Mr. Joy Ranjan Dhar,
.... For the State.

1. Affidavit of service as filed today on behalf of the writ petitioner is taken on record.

2. The writ petitioner and the respondent State are represented by their respective learned advocates.

3. None appears on behalf of the private respondents despite service.

4. By filing the instant writ petition, the writ petitioner has prayed for the issuance of appropriate writ/writs against the respondent authorities, more specifically against the jurisdictional Assistant Engineer, Public Works Department (PWD) Division, Balurghat, District-Dakshin Dinajpur, to remove the encroachment as allegedly made by the private respondents in front of the writ petitioner's property, particulars of which have been mentioned in paragraph number 3 of the instant writ petition.

5. At the time of hearing, Ms. Sonkar, duly led by Mr. Agarwala, submits before this Court that it is the

specific case of the writ petitioner that on account of such illegal encroachment made by the private respondents over the PWD land, which is contiguous to the writ petitioner's property, particulars of which have been stated in paragraph 3 of the instant writ petition, the writ petitioner is facing extreme difficulty in getting easy access to his own property.

6. It is submitted further that despite submissions of several representations with the respondent authorities, no action has been taken.

7. It is thus submitted by Ms. Sonkar that appropriate relief/reliefs may be granted to the writ petitioner in terms of the prayers of the instant writ petition.

8. Ms. Dhar Chakraborty, learned advocate appearing on behalf of the respondent State, submits before this Court that the jurisdictional Assistant Engineer, Public Works Department (PWD) Division, Balurghat, District-Dakshin Dinajpur may be directed to consider the representation of the writ petitioner in accordance with law.

9. In view of such, this Court, while disposing of the instant writ petition, passes the following orders:-

a) The respondent no. 7 authority is hereby directed to serve notice upon the writ petitioner and the private respondents and shall proceed to the disputed plot for the purpose of field verification, and shall submit a field verification report/demarcation report with the jurisdictional

Assistant Engineer, Public Works Department (PWD) Division, Balurghat, District-Dakshin Dinajpur, positively within 30 working days from the date of communication of the server copy of this order.

b) The jurisdictional Assistant Engineer, Public Works Department (PWD) Division, Balurghat, District-Dakshin Dinajpur, on receipt of the said field verification report and/or demarcation report from the respondent no. 7 authority, shall cause service of notice upon the writ petitioner and the private respondents and shall provide them the copies of the said demarcation report.

c) The said jurisdictional Assistant Engineer is further directed to consider the representation dated 24.04.2025, as submitted by the writ petitioner with the respondent no. 5 authority, in accordance with law and in the light of the demarcation report as would be submitted by the respondent no. 7 authority, and after giving due chance of hearing both to the writ petitioner and the private respondents and/or their authorized representatives, shall pass a reasoned order and shall forthwith communicate the same both to the writ petitioner and the private respondents, preferably by email, if the email details of the writ petitioner and the private respondents are provided to him at the time of hearing.

10. The entire exercise as indicated hereinabove shall have to be completed by the jurisdictional Assistant Engineer, Public Works Department (PWD) Division, Balurghat, District-Dakshin Dinajpur, positively within 45 working days from the date of receipt of the demarcation report and/or field verification report from the respondent no. 7 authority.

11. The time limits as fixed by this Court are peremptory and mandatory.

12. It is further directed that in the event, while passing the reasoned order, the jurisdictional Assistant Engineer, Public Works Department (PWD) Division, Balurghat, finds sufficient merit in the representation of the writ petitioner dated 24.04.2025, the said Assistant Engineer is directed to take all consequential actions.

13. Liberty is given to the learned advocate on record for the writ petitioner to communicate the server copy of this order along with a copy of the representation dated 24.04.2025 to the respondent no.5, respondent no.7 as well as to the jurisdictional Assistant Engineer, Public Works Department (PWD) Division, Balurghat, District-Dakshin Dinajpur, and such authorities are directed to act on the server copies of this order.

14. With the aforementioned observations, W.P.A. 13447 of 2025 is disposed of.

15. Before parting with, it is, however, made clear that while disposing of the instant writ petition, this Court has not gone into the merits of the representation dated 24.04.2025 as submitted by the writ petitioner, and thus all points are kept open for adjudication by the aforementioned jurisdictional Assistant Engineer, Public Works Department (PWD) Division, Balurghat.

(Partha Sarathi Sen, J.)