

A-414
20.04.2026
Court No.19
BP

WPA 13766 of 2019
With
CAN 1 of 2024
Can 3 of 2025

Sahabuddin Sk.
-versus-
The Union of India & Ors.

Mr. Ganesh N. Jaodia
Ms. Nitu Singh
Mr. Anurag Gupta
Ms. Ayesha khatoon
..for the petitioner

Mr. Partha Pratim Roy
Mr. Anirban Das
Mr. Samrat Chakraborty
..for the private respondent

Re: CAN 3 of 2025

This is an application for amendment of the writ petition. The petitioner filed the writ petition alleging encroachment upon the land belonging to the National Highway in front of the house of the petitioner. Pursuant to an order passed by a Co-ordinate Bench a report was filed by the Project Director, NHAI.

The learned advocate appearing for the petitioner submits that upon the said affidavit being filed by the NHAI, the petitioner for the first time came to know that the land whereupon the encroachment was made by the private respondent is owned and controlled by the Public Works Department, Government of West Bengal. She submits that in order to incorporate the subsequent

events the petitioner has filed the application for amendment of the writ petition.

After going through the amendment application this Court finds that the petitioner, by way of amendment, has sought to add several authorities as party respondents by way of amendment. The petitioner now seeks to incorporate the fact that the land under the control of the PWD has been encroached upon and the land in question wherein encroachment was alleged does not belong to the National Highway Authority of India. Thus it appears that the petitioner seeks to alter the cause of action of the writ petition.

It is well settled that addition of party by way of amendment is not permissible. The proposed amendment, if allowed, would result in changing the basic foundation of the writ petition which is not permissible.

For such reason, this Court is not inclined to allow the application for amendment.

Accordingly, CAN 3 of 2025 stands dismissed.

WPA 13766 of 2019 is taken up for immediate consideration.

The learned advocate appearing for the petitioner submits that no representation before the appropriate authority for removal of encroachment has also been submitted before the appropriate authority. She prays for leave to submit a representation before the appropriate

authority for removal of encroachment made by the private respondent.

The learned advocate appearing for the private respondent submits that the petitioner has also encroached upon a portion of the PWD road.

None appears for the State.

WPA 13766 of 2019 stands disposed of by granting liberty to the petitioner to file a comprehensive representation before the concerned authority ventilating their grievances insofar as the encroachment upon the PWD road is concerned. If such a representation is submitted the concerned authority shall consider and dispose of the same in accordance with law as expeditiously as possible.

The other pending application is also disposed of accordingly.

There shall be however no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Hiranmay Bhattacharyya, J.)