

M/L- 47
06/04/2026
Ct. No.-19
Aritra

WPA 17887 of 2025

**Biman Panja
Vs.
The State of West Bengal & Ors.**

Mr. Nilanjan Bhattacharjee, Sr. Adv.
Mr. Akash Adak

....for the petitioner

Mr. Tapan Kumar Mukherjee, AGP
Mr. Priyabrata Batabyal

....for the State

Mr. Shaunak Ghosh
Mr. Raja Adhikary
Ms. Mrinal Das

....for the respondent Nos.9 to 11

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

The petitioner claims to be the recorded owner of R.S. Dag No.150 corresponding to L.R. Dag No.169 within Mouza-Udang under Police Station-Amta in the District of Howrah.

The petitioner states that there is a PWD road running adjacent to the aforesaid property of the petitioner and the private respondents have erected an unauthorised construction by encroaching upon the PWD road.

The petitioner submitted a representation which was received by the Office of the Assistant Engineer, Amta Highway Sub-Division on July 7, 2025.

Mr. Bhattacharjee, learned senior advocate appearing for the petitioner submits that in spite of receipt of such representation, no steps have been taken by the respondent authority till date.

Mr. Ghosh, learned advocate appears for the private respondents. He submits that the private respondents have raised a construction on the *riayati* property after obtaining necessary plan and permission from the concerned Panchayat authority. He further submits that the private respondents have not encroached upon any portion of the PWD road.

The learned advocate for the private respondents files the copy of the Record of Rights in respect of Dag No.1634 and submits that the private respondents are the recorded owners.

Such submission is disputed by Mr. Bhattacharjee, learned senior advocate for the petitioner. He draws the attention of the Court to the memo dated May 2, 2023 issued by the Special Land Acquisition Officer (General) Howrah and submits that C.S. Plot No.1634 has been acquired in connection with L.A. Case No.29 (Act-II) of 1963-64.

Mr. Mukherjee, learned Additional Government Pleader assisted by Mr. Batabyal appears for the State. He submits that necessary steps in accordance with law shall be taken if any encroachment upon the PWD road is found.

Without entering into the claims and counter-claims of the respective parties, WPA 17887 of 2025 stands disposed of by directing the Assistant Engineer, Amta Highway Sub-Division, Public Works (Roads) Directorate, being the respondent No.3 to consider the representation

of the petitioner, which was received by the Office of the respondent No.3 on July 7, 2025 and after causing necessary enquiries and demarcation through competent Amin/Surveyor upon prior service of notice to the petitioner, the private respondents and any other person, who may be affected by such demarcation and upon such demarcation if any encroachment upon the PWD road is found, necessary proceeding in accordance with the West Bengal Highway 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 4 months from the receipt of a server copy of this order along with a copy of the representation, which was received by the Office of the respondent No.3 on July 7, 2025 .

Needless to mention that if such authority is of the opinion 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 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.)