

Item-
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Ct. 19

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WPA 18043 of 2025

Amanulla Biswas
Versus
State of West Bengal & Ors.

Mr. Dhananjay Banerjee
Md. Abdur Rakib
Mr. Biswajit SArkar
Mr. Pralay Hazra
Mr. Anchan Dutta
...for the petitioner
Mr. Srinath Singha Roy
...for the State

Affidavit of service filed in Court is taken on record.

On the prayer of the learned Advocate for the writ petitioner, leave is granted to the learned Advocate-on-Record of the petitioner to add Assistant Engineer, Public Works (Road) Directorate, Plassey Highway Division, Plassey, as party respondent in this writ petition.

Let this amendment be carried out by the learned Advocate-on-Record for the petitioner, here and now.

The learned advocate appearing for the petitioner submits that the respondents have been duly served. In spite of service, none appears for the State as well as the private respondent.

Mr. Srinath Singha Roy, learned Advocates, who usually represents the State is present in Court and requested to appear for the State in this matter.

Let the appointment of Mr. Singha Roy be regularized by the concerned authority.

The learned advocate for the petitioner is directed to serve copy of the writ petition upon Mr. Singha Roy.

The petitioner claims to be the recorded owner of Dag No. 820 within mouza Kulgachi, under Police Station Tehatta in the District of Nadia. The petitioner states that a PWD Road is running adjacent to the property of the petitioner. The petitioner alleges that the private respondents have raised an unauthorized construction by encroaching upon the PWD road thereby causing obstruction to the ingress and egress of the petitioner from her property to the PWD road. The petitioner submitted a representation dated 10th January, 2023 pursuant to the liberty granted by the coordinate Bench by an order dated 4th January, 2023 in WPA 28646 of 2022. The learned Counsel appearing for the petitioner submits that in spite of receipt of such representation, no steps have been taken by the respondent authorities to remove the encroachment from the PWD road till date.

Since an allegation of encroachment upon the PWD road has been made, it is the duty of the respondent authorities to take necessary steps in accordance with law if any encroachment upon the PWD road is found.

The learned Advocate for the State submits that necessary steps in accordance with law shall be taken 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 10th January, 2023 and reminder letter dated 5th March, 2025, this writ petition stands disposed of by directing the Assistant Engineer, Public Works (Road) Directorate, Plassey Highway Division,

Plassey, being the added respondent, to consider the representation of the petitioner dated 10th January, 2023 and the reminder letter dated 5th March, 2025 and after conducting necessary enquiries and demarcation of the plot in question through competent Amins/Surveyors, upon prior notice to the petitioner, private respondents and any other party/parties who may be affected and if any encroachment upon the PWD road is found, necessary proceeding in accordance with the relevant provisions of the statute shall be initiated and the entire exercise under the said statute shall be completed as expeditiously as possible but positively within a period of four months from the receipt of a server copy of this order along with copies of the said representations.

Needless to mention that if it is found that there has been no encroachment upon the PWD road, such decision shall also be communicated by the added respondent to the petitioner and the others within the time limit as indicated hereinbefore.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Hiranmay Bhattacharyya, J.)