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WPA 18126 of 2025
Dhirendra Nath Mallick
Versus
State of West Bengal & Ors.

Mr. Rajib Kr. Basu
...for the petitioner
Mrs. Tithi Paul
...for the State
Mr. Asraf Mondal
...for the respondent nos.5-8

The petitioner claims to be the owner of Dag No. 1945, within mouza Patabukahuda, under Police Station Karimpur, in the District of Nadia. The petitioner alleges that the private respondents have raised an unauthorized construction by encroaching upon the PWD road running in front of the property of the petitioner. The petitioner submitted a representation dated 25th February, 2025 before the Assistant Engineer, Public Works (Roads) Directorate, Plassey Highway Division, Plassey, Nadia. 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.

The learned Advocate appearing for the private respondents submits that there is a long standing dispute between the petitioner and the private respondents and a civil suit being Title Suit No. 84 of 2015 was filed by the petitioner along with one Niren Mollick against the private respondents and challenging the judgment and decree dated 15.12.2023 passed in the said title suit and title appeal no. 3 of 2024 is pending before the learned Additional District Judge at

Tehatta, Nadia.

The learned advocate for the petitioner further submits that the subject matters of the civil suit and this writ petition is entirely different.

The learned Advocate for the State submits that Assistant Engineer, Public Works (Roads) Directorate, Plassey Highway Division, Plassey, Nadia is the appropriate authority to decide the issue involved in this writ petition. He further submits that although the petitioner has submitted the representation before the Assistant Engineer, Plassey, Nadia, but the said Assistant Engineer is not impleaded as party respondent in this writ petition.

Faced with such situation, the learned Advocate appearing for the petitioner prays for leave to implead the Assistant Engineer, Public Works (Roads) Directorate, Plassey Highway Division, Plassey, Nadia as party respondent in this instant writ petition.

The learned Advocate-on-Record for the petitioner is directed to add the Assistant Engineer, Public Works (Roads) Directorate, Plassey Highway Division, Plassey, Nadia as party respondent in this writ petition.

Liberty is given to the learned Advocate-on-Record for the petitioner to amend the cause title of this writ petition by adding the aforesaid party as party respondent, here and now.

Since the State is represented by their learned Advocates, there is no necessity to serve the amended copy of the writ petition upon the added respondents.

However, the learned Advocate-on-Record for the

petitioner shall be obliged to serve copy of the amended cause title of the writ petition upon the learned Advocates representing respective parties.

Since an allegation of encroachment upon the PWD road has been made in the representation dated 25th February, 2025, this Court feels that such authority should be directed to consider the representation and pass reasoned order in accordance with law.

In the light of the submissions made by the learned Advocates for the respective parties, this writ petition stands disposed of by directing the Assistant Engineer, Public Works (Road) Directorate, Plassey Highway Division, Plassey, being the added respondent herein, to consider the representation of the petitioner dated 25th February, 2025 and dispose of the same by passing a reasoned order after affording an opportunity of hearing to the petitioner, private respondents and any other person who may be affected by such decision and communicate the reasoned order to the petitioner and others as expeditiously as possible but positively within a period of 12 weeks from the receipt of a server copy of this order along with a copy of the said representation.

It would be open to the respective parties to make their respective submissions as to the effect of the pendency of the civil proceeding between the parties before such authority at the time of hearing.

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

(Hiranmay Bhattacharyya, J.)