

M/L- 188
18/02/2026
Ct. No.-19
Aritra

WPA 20041 of 2025
Sukumar Bera & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Raj Kr. Sain

....for the petitioners

Mr. Soumitra Bandyapadhyay, Sr. Govt. Adv.
Mr. Suchana Banerjee

....for the State

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

The petitioners claim to be the owner of L.R. Plot No.12290, Khatian No.11541 and 11543, J.L. No.10 within Mouza-Soaraberia Jalpai under Police Station-Nandakumar in the District of Purba Medinipur.

The petitioners state that a PWD road is running adjacent to the property of the petitioners. The petitioners allege that the private respondents have made an unauthorised construction by encroaching upon the PWD road just in front of the aforesaid property of the petitioners thereby causing obstruction to the ingress and egress of the petitioners from their property to the PWD road.

The petitioners submitted a representation dated July 19, 2025 before the Assistant Engineer, Tamluk Sub-Division, Public Works Department (PWD) for removal of encroachment from the PWD road.

The learned advocate appearing for the petitioners submits that in spite of receipt of such representation, no steps have taken by the respondent authorities to remove the encroachment from the PWD road.

Mr. Bandhyopadhyay, learned senior government advocate appearing for the State submits that immediately upon receipt of the complaint from the petitioners, the Assistant Engineer, Tamluk Sub-Division, Public Works (Roads) Directorate issued a letter dated September 2, 2025, requesting the Block Land & Land Reforms Officer, Nandakumar, being the respondent No.7 to demarcate the road side government land that belongs to Public Works (Roads) Directorate, in front of L.R. Plot No.12290 and to provide the demarcation report along with sketch map clearly showing the details of encroachments, if any, on the government land belonging to Public Works (Roads) Directorate.

No document could be produced to show that the demarcation has been made till date.

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

In view of the submissions made by the learned advocates for the respective parties, WPA 20041 of 2025 stands disposed with the following directions:-

(1) The Block Land & Land Reforms Officer, Nandakumar is directed to carry out the work of demarcation of the road side government land belonging to Public Works (Roads) Directorate in front of L.R. Plot No.12290, J.L. No.10, Khatian No.11541 and 11543 within Mouza- Saoraberia Jalpai under Police Station- Nandakumar in the District of Purba Medinipur by engaging competent Officials/Amin/Surveyor and to prepare a report along with a sketch map indicating the details of encroachment, if any, on the government land, if such demarcation has not already been carried out.

(2) In the event, the work of demarcation has not yet been carried out, the same should be completed as expeditiously as possible but positively within a period of 4 weeks from the date of receipt of a server copy of this order.

(3) Needless to mention that the work of demarcation shall be carried out upon prior notice to the petitioners, the private respondents and any other persons, who may be affected by such demarcation and the copy of the report along with the sketch map shall be forwarded to the petitioners, the private respondents and any other affected party and also to the Assistant Engineer, Tamluk Sub-Division, Public Works (Roads) Directorate, within the time limit mentioned hereinabove.

(4) If upon receipt of the said report it is found that there is encroachment upon the PWD road, the Assistant

Engineer, Tamluk Sub-Division, Public Works (Roads) Directorate, being the respondent No.6 shall initiate appropriate proceedings under the West Bengal Highways Act, 1964, and the entire exercise under the said provision shall be completed as expeditiously as possible but positively within a period of 6 weeks from the date of receipt of a copy of the report from the concerned Block Land & Land Reforms Officer.

If no encroachment upon the PWD road is found such decision shall also be communicated to the petitioners within the time limit mentioned hereinabove.

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.)