

Item-
16. 13-01-2026

WPA 19880 of 2025

sg Ct. 19

Pathik Mondal
Versus
The State of West Bengal & Ors.

Mr. Subhas Ch. Dutta
Ms Papiya Naskar
...for the petitioner
Mr. Ajeyo Chourhury
...for the State

Affidavit of service filed in Court is taken on
Record.

The learned Counsel appearing for the petitioner
submits that the respondent authorities have been duly served.

In spite of service, none appears for the private
respondents.

The petitioner claims to be the owner of Plot no.
71/802, within Mouza Bagdanga, under Police Station
Murutia, in the District of Nadia. The petitioner alleges that a
State Highway is running adjacent to the aforesaid property of
the petitioner. The petitioner further states that the private
respondents herein have made an illegal construction by
encroaching upon the State Highway thereby causing
obstruction to the ingress and egress of the petitioner from his
property to the State Highway.

The petitioner submitted a representation dated June
30, 2025 before the Assistant Engineer, Public Works
Department, Plassey Sub-Division.

The learned Advocate appearing for the petitioner
submits that in spite of receipt of the aforesaid representation,
no step has been taken by the respondent authority for

removal of the encroachment from the State Highway.

Since the allegation of unauthorized and illegal encroachment upon the State Highway has been made, it is the duty of the respondent authorities to take steps in accordance with law in the event it is found that the State Highway or any portion thereof has been encroached.

In the light of the submissions made by the respective parties, WPA 19880 of 2025, stands disposed of by directing the Assistant Engineer, Public Works Department, Plassey Sub-Division, being the third respondent to consider the representation of the petitioner dated June 30, 2025 and after making necessary enquiry and demarcation, if any encroachment upon the State Highway is found, necessary step in accordance with provisions of Section 10 of the West Bengal Highways 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 six weeks from the date of receipt of a server copy of this order along with a copy of the representation dated June 30, 2025.

In case it is found that there has been no encroachment upon the State Highway, such decision shall also be communicated by the third respondent to the petitioner within the time limit as indicated hereinbefore.

It is, however, made clear that this Court has not gone into the merits of the claim made in this writ petition and all points are kept open to be decided by the said respondent.

The writ petition is disposed of.

Urgent photostat certified copy of this order, if

applied for, be supplied to the parties upon compliance of all requisite formalities.

(Hiranmay Bhattacharyya, J.)