

Item- 12-06-2026
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Ct. 19

WPA 20533 of 2025

Goutam Mandal
Versus
State of West Bengal & Ors.

Mr. Dilip Kr. Shyamal
Mr. Gourab Ghosh
Mr. Pratap Kr. Yadav
...for the petitioner

Mr. Nilanjan Bhattacharjee
Ms. Jayita Dhar Chakraborty
Mr. Rhitam Chatterjee
...for the State

Affidavit of service filed in Court is taken on record.

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

The petitioner claims to be the owner of a plot being LR Dag nos. 3004, 3005 and 3049, within Mouza Shibpur in the District of Sough 24 Parganas. The petitioner states a National Highway being NH-12 is running adjacent to the aforesaid properties of the petitioner. The petitioner alleges that the private respondents have raised an unauthorized construction by encroaching upon the said National Highway thereby causing obstruction to the ingress and egress of the petitioner from his property to the National Highway. The petitioner submitted a representation on 8th July, 2025 before various authorities including the Assistant Engineer, Kakdwip National Highway Sub-Division, praying for removal of unauthorized encroachment from the said highway.

The learned Advocate appearing for the petitioner submits that in spite of receipt of such representation, no steps have been taken apart from issuance of a Memo to the concerned Block Land & Land Reforms Officer for field

verification.

Mr. Bhattacharjee, learned Senior Standing Counsel submits that necessary steps shall be taken in accordance with law if any encroachment upon the said highway is found.

In the light of the submission made by the learned Advocates for the respective parties, this writ petition stands disposed of by directing the Assistant Engineer, Kakdwip National Highway Sub-Division, being fourth respondent to consider the representation of the petitioner dated 8th July, 2025 and after causing enquiry, inspection and demarcation of the disputed plots by engaging competent Amin/Survior. upon prior notice to the petitioner, private respondents and any other party/parties who may be affected by such demarcation and upon such demarcation, if any encroachment upon the National Highway is found, necessary proceeding in accordance with the provisions of relevant 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 ten weeks from the receipt of a server copy of this order along with a copy of the representation dated 8th July, 2025.

If such authority is of the view that the issue regarding removal of encroachment upon the said Highway does not fall within its jurisdiction, such decision shall also be communicated to the petitioner.

In that event, it would be open to the petitioner to take appropriate steps in accordance with law.

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

(Hiranmay Bhattacharyya, J.)