

Item- 12-06-2026
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WPA 20549 of 2025

Md Jasimuddin
Versus
State of West Bengal & Ors.

Mr. Debdip Mandal
...for the petitioner
Mr. Nilanjan Bhattacharjee
Ms. Jayita Dhar Chakraborty
Mr. Rhitam Chatterjee
...for the State
Mr. Biswajit Sau
...for the private respondents

Affidavit of service filed in Court is taken on record.

The petitioner claims to be the owner of a plot of land being LR plot no. 1913/2018 within Mouza Gangasagar, under Police Station Gangasagar Coastal in the District of South 24 Parganas. The petitioner states a PWD road is running adjacent to the aforesaid property of the petitioner. The petitioner alleges that the private respondents have raised an unauthorized construction by encroaching upon the said PWD road thereby causing obstruction to the ingress and egress of the petitioner from his property to the said PWD road. The petitioner submitted a representation on 1st August, 2025 before the Assistant Engineer, Kakdwip Highway Sub-Division, Public Works Department (Roads), South 24 Prganas, praying for removal of encroachment upon the PWD road.

The learned Advocate 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.

Mr. Bhattacharjee, learned Senior Standing Counsel submits that necessary steps shall be taken in accordance with

law if any encroachment from the PWD road is found.

Mr. Sau, learned Advocate appearing for the private respondents submits that the land in question wherein the private respondents have made a structure is the raiyati property and not a PWD road. He disputes the allegation made by the petitioner in the representation.

In the light of the submission made by the learned Advocates for the respective parties and without entering into the merits of the claim made by the petitioner in the representation dated 1st August, 2025, this writ petition stands disposed of by directing the Assistant Engineer, Kharagpur Sub-Division, Public Works Department, being seventh respondent to consider the representation of the petitioner dated 1st August, 2025 and after causing enquiry and demarcation of the disputed plot by engaging competent Amin/Survior, upon prior notice to the petitioner, private respondent and any other party/parties who may be affected by such demarcation and upon such demarcation, if any encroachment upon the PWD road 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 1st August, 2025.

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 fourth respondent to the petitioner 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.)