

Item- 12-06-2026
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WPA 20629 of 2025

Ramen Kumar Bhattacharyya
Versus
State of West Bengal & Ors.

Mr. Malay Bhattacharyya
Mr. Subhrajyoti Ghosh
...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 petitioner claims to be the owner of a plot being no. 124, within Mouza Jatalpur, under Police Station English Bazar, in the District of Malda. The petitioner states a PWD road from English Bazar to Kotwali 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 PWD road. The petitioner submitted a representation on 25th June, 2024 before various authorities including concerned Executive Engineer, Public Works (Roads) Directorate, praying for removal of unauthorized encroachment from the said road.

The learned Advocate appearing for the petitioner submits that the complaint lodged by the petitioner was duly forwarded by the concerned Executive Engineer to the Assistant Engineer, Malda Highway Division by a covering letter dated 25-06-2024 and thereafter the concerned Assistant Engineer issued a notice under Memo dated 30-07-2024 requesting the concerned Block Land & Land Reforms

Officer to demarcate the property in question.

The learned Advocate for the petitioner submits that no effective step for removal of the encroachment has been taken by the respondent authorities.

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

In the light of the submission made by the learned Advocates for the respective parties, this writ petition stands disposed of by with the following directions:

- (i) The Block Land & Land Reforms Officer, English Bazar, being the fourth respondent is directed to carry out the demarcation exercise in terms of Memo dated 30-07-2024 issued by the Assistant Engineer, Malda Highway Sub-Division, Public Works (Road) Directorate and complete the entire exercise of demarcation as expeditiously as possible but positively within a period of six weeks from the date of receipt of a copy of the order;
- (ii) The entire exercise of demarcation by the concerned Block Land & Land Reforms Officer shall be carried out upon prior notice to the petitioner, private respondents and any other party/parties who may be affected by such demarcation;
- (iii) The Block Land & Land Reforms Officer is directed to forward the copy of the demarcation report along with the sketch map thereof to the petitioner, the private respondents and any other persons who may be affected by such demarcation as well as to the Assistant Engineer, Malda Highway Sub-Division,

Public Works (Roads) Directorate within the time limit mentioned hereinbefore.

- (iv) Immediately upon receipt of the said report from the concerned Block Land & Land Reforms Officer, the concerned Assistant Engineer shall initiate a proceeding in accordance with the provisions of relevant statute if any encroachment upon the PWD road is found and the entire exercise shall be completed as expeditiously as possible but positively within a period of six weeks from the receipt of the copy of the report from the Block Land & Land Reforms Officer.
- (v) Needless to mention that that if such authority is of the opinion that there has been no encroachment upon the PWD road, the decision shall also be communicated to the petitioner and others within the time limit as mentioned hereinbefore;

With the above observation and directions, the writ petition stands 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.)