

16.06.2026
Court No. 12
Item No.14
Cp

FMA 1557 of 2025
CAN 1 of 2025

Samir Kumar Sardar
Vs.
The State of West Bengal & Ors.

Ms. Priyanka Yadav

...for the Appellant.

Mr. D. N. Ray, Ld. GP

Ms. Susmita Saha Dutta, Ld. AGP

Ms. Tanusree Ghosh

.....for the State.

1. None appears for the respondents. The PWD authorities are the main respondents. Ms. Tanusree Ghosh, learned advocate led by Mr. D. N. Ray, Ld. GP are engaged in the matter.
2. The appeal arises out of an order dated August 13, 2025, passed by a learned Single Judge in WPA 11736 of 2024. The learned court dismissed the writ petition on the ground that the property over which the illegal and unauthorized construction had been made was not described properly.
3. In paragraphs 4 and 5 of the writ petition there are averments with regard to alleged construction on a PWD road which runs from Dakshin Barasat to Mograhat. According to the

appellant, the road is used for ingress and egress of the appellant and other persons of the locality. It is submitted that the road belonging to the PWD could not be encroached upon by any private party.

4. It further appears that a complaint was lodged before the District Magistrate, Superintendent of Police, Executive Engineer, PWD (Road), Block Development Officer, the Police and the Pradhan with regard to such unauthorized encroachment on the PWD road.
5. Under such circumstances, we are of the view that the ground for rejection of the writ petition is misconceived.
6. The concerned respondent/authority empowered under the West Bengal Public Land (Eviction of Unauthorized Occupants) Act, 1962 or such other law as may be applicable in case of removal of encroachment from a PWD road, shall act and proceed in accordance with law and take necessary steps.
7. While proceeding, the concerned authority will follow the principles of natural justice and consider the representation. The writ petition shall be treated as a representation of the appellant. A reasoned order shall be passed and communicated to all parties. The copy of the writ

petition shall be served upon the concerned authorities.

8. If unauthorized encroachment is found on the PWD road, necessary orders shall be passed for removal of such encroachment upon giving an opportunity to all parties to place their case.
9. The entire exercise shall be completed within a period of six weeks from the date of communication of this order.
10. Accordingly, the appeal and the connected application are disposed of.
11. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)

(Ajay Kumar Gupta, J.)