

A. 140
15.06.2026
Court No.19
BP

WPA 21144 of 2025

Sri Tapan Bera
-versus-
The State of West Bengal & Ors.

Mr. Mrinal Kanti Ghosh
Mr. Kartik Chandra Kapas
..for the petitioner

Mr. Nilanjan Bhattacharjee, Sr. Standing Counsel
Ms. Jayita Dhar Chakraborty
..for the State

Mr. Ghosh, learned advocate for the petitioner, in his usual fairness, submits that the original affidavit of service has been misplaced. He however files a photocopy of the affidavit of service which is taken on record.

The petitioner claims to be the owner of a plot of land being Dag No. 1215 within Mouza Soyla, J.L. No. 171 in the District of Paschim Medinipur. The petitioner states that adjacent to the aforesaid property of the petitioner there is a road maintained by the Public Works Department. The petitioner alleges that the private respondents have constructed a two storied pucca construction by encroaching upon the PWD road.

The petitioner submitted a representation before the Assistant Engineer, Public Works Department by a letter dated 11th August, 2025 praying for removal of encroachment from the PWD road.

Mr. Ghosh, 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 such encroachment from the PWD road. In support of such contention Mr. Ghosh draws the attention of the Court to the photographs annexed at page 18 of the writ petition.

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

Since an allegation of encroachment upon the PWD road has been made, it is the duty of the respondent authorities to remove the encroachment, if any, on the PWD road.

In the light of the submissions made by the learned advocates for the respective parties, WPA 21144 of 2025 stands disposed of by directing the Assistant Engineer, Public Works Department (Roads), Ghatal, Paschim Medinipur being the 4th respondent to consider the representation of the petitioner dated 11th August, 2025 and after causing necessary enquiries and inspection by engaging competent Amins/surveyors upon prior service of notice to the petitioner, the private respondents and any other person who may be affected by such demarcation and upon such demarcation if it is found that any portion of the PWD road has been encroached upon, a proceeding

in accordance with the provisions of the West Bengal Highways Act, 1964 shall be initiated for removal of encroachment and the entire exercise 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 11th August, 2025.

Needless to mention that if the authority is of the view that there has been no encroachment upon the PWD road such decision shall also be communicated to the petitioner and others within the time limit as mentioned hereinbefore.

There shall be however no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Hiranmay Bhattacharyya, J.)