

A. 137
15.06.2026
Court No.19
BP

WPA 21070 of 2025

Sk. Afsar
-versus-
The State of West Bengal & Ors.

Mr. Subhas Jana
Ms. Mohua Palit
..for the petitioner

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

Affidavit of service filed in Court today is taken on record.

The learned advocate appearing 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 plots of land being Dag No. 80 and 81 within Mouza Lakshya, J.L. No. 161 under Police Station Mahishadal in the District of Purba Medinipur. The petitioner states that on the southern side of the aforesaid property there is a Nayanjuli and a PWD road namely Haldia Panskura road. The petitioner alleges that the private respondents have raised an unauthorised construction by encroaching upon

the 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 addressed to various authorities including the Assistant Engineer, Haldia Highway Sub-Division, Public Works (Roads) Directorate praying for removal of encroachment.

The learned advocate appearing for the petitioner submits that since the private respondents have raised an unauthorised construction upon the land within the control of the Public Works Department (Roads), the Assistant Engineer is obliged to initiate a proceeding under the West Bengal Highways Act, 1964. He submits that in spite of receipt of the said representation the Assistant Engineer has not initiated any proceeding under the Highways Act, 1964.

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.

Without entering into the merits of the claim made by the petitioner in the representation which is annexed at page 29 of the writ petition, WPA 21070 of 2025 stands disposed of by directing the Assistant Engineer, Public Works Department (Roads), Haldia Highway Sub-Division, Purba Medinipur being the 4th respondent to consider the representation of the petitioner which is annexed at page

29 of the writ petition and after causing necessary enquiries and demarcation 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 there has been encroachment upon the PWD road, a proceeding in accordance with the relevant provisions of the statute 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 which is annexed at page 29 of the writ petition. If at the time of consideration of the representation, the 4th respondent is of the view that the issue regarding removal of encroachment does not fall within his jurisdiction, such decision shall also be communicated to the petitioner within the time limit as mentioned hereinbefore.

Needless to mention that if such 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.)