

A. 174
09.04.2026
Court No.19
BP

WPA 21447 of 2025

Abdur Rahaman Sardar
-versus-
The State of West Bengal & Ors.

Mr. Gobinda Chandra Baidya
Mr. Aminul Islam
..for the petitioner

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

The learned advocate appearing for the petitioner submits that the State and the private respondent have been duly served.

In spite of service none appears for the State and the private respondent.

The petitioner claims to be the recorded owner of a plot of land being R.S. and L.R. Plot No. 775/1602 and 500/1603 within Mouza Basanti, J.L. No.166 under Police Station Basanti in the District of 24 Parganas (South). The petitioner states that the PWD road is running adjacent to the aforesaid property of the petitioner and the private respondent has raised an unauthorised construction by encroaching upon a portion of 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 dated 11th August, 2025 before the various authorities including the Executive Engineer, Public Works Department dated 11th August, 2025 praying for removal of encroachment.

The learned advocate appearing for the petitioner submits that in spite of receipt of such representation no steps have been taken by the respondent authority to remove the encroachment from the PWD road.

The learned advocate appearing for the State 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 dated 11th August, 2025, WPA 21447 of 2025 stands disposed of by the directing the Executive Engineer, Public Works Department being the 5th respondent to consider the representation of the petitioner dated 11th August, 2025 and after causing necessary enquires and demarcation by engaging competent Amins/surveyors upon prior service of notice to the petitioner, the private respondent and any other person 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 relevant provision shall be initiated and the entire exercise under the said provision shall be completed as expeditiously as possible but positively

within a period of four months from the receipt of a server copy of this order along with a copy of the representation dated 11th August, 2025. If the respondent no.5 is of the view that the issue relating to removal of encroachment does not fall within his jurisdiction, such authority shall immediately forward the necessary papers to the appropriate authority who has been vested with the power and authority to decide the issue of encroachment and the later authority shall immediately upon receipt of such papers take steps in accordance with the directions as passed hereinbefore.

Needless to mention that if the concerned authority arrives at a conclusion 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 indicated 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.)