

Court No. 19
(265719)

15.06.2026

(A 161)

(S. Banerjee)

WPA 21925 of 2025

Arup Middya & Ors.

Vs.

State of West Bengal & Ors.

Mr. Golam Mastafa

Mr. Tarasankar Samanta

...for the petitioners

Mr. Nilanjan Bhattacharjee, Sr. Advocate

Ms. Jayita Dhar Chakraborty

...for the State

Petitioners claim to be the owner of Plot No. 618 within Mouza – Maheshpur, JL No. 239 under Nandigram Police Station in the district of Purba Medinipur. Petitioners allege that plot no. 620 is a PWD road. They further allege that the private-respondents have made a construction by encroaching upon the PWD road thereby causing obstruction to the ingress and egress of the petitioners from their property to the PWD road. Petitioners submitted a representation before the Assistant Engineer, PWD Haldia Construction Sub-Division I, Purba Medinipur, praying for removal of the unauthorized construction from the PWD road in front of the raiyati property of the petitioners.

Learned advocate appearing for the petitioners submits that no steps for removal of encroachment has been taken by the respondent authorities till date.

Mr. Bhattachajree, learned Sr. Standing Counsel representing the State submits that necessary steps in accordance with law shall be taken by the authorities if any encroachment upon the PWD road is found.

From the information supplied under the Right to Information Act it appears that plot no. 620 of Maheshpur Mouza, measuring about 0.40 acres decimals, has been acquired vide LA Case No. 01/75-76.

Since a representation has been submitted by the petitioners praying for removal of unauthorized encroachment from the PWD road, the respondent authorities are obliged to take steps in accordance with law if any encroachment upon the PWD road is found.

Without entering into the merits of the claims made by the petitioners in the representation dated July 23, 2025, this writ petition stands disposed of by directing the Assistant Engineer, PWD Haldia Construction Sub-Division I, Purba Medinipur, being the 5th respondent, to carry out necessary enquiries and demarcation by engaging competent Amin/Surveyor upon prior service of notice to the petitioners, the private-respondents and any other person who may be affected by such demarcation and upon such demarcation if it is found that there is any

encroachment upon the PWD road, a proceeding under the relevant provisions of the statute shall be initiated and the entire exercise shall be completed as expeditiously as possible but positively within ten weeks from the receipt of a server copy of this order together with a copy of the representation dated July 23, 2025.

Needless to mention that if upon enquiry no encroachment is found, such decision shall also be communicated to the parties within the time mentioned above.

(Hiranmay Bhattacharyya, J.)