

Item-
ML
554.

30-03-2026

Ct. 19

sg

**WPA 22075 of 2025
CAN 1 of 2026**

Pritam Pandit
Versus
State of West Bengal & Ors.

Mr. Subhas Ch. Dutta
Ms. Papiya Naskar
...for the petitioner
Mr. Lalit Mohan Mahata, AGP
Mr. Rudranil De
...for the State

Affidavit of service filed in Court is taken on record.

In Re: CAN 1 of 2026

This is an application for recalling of the order dated
14th January, 2026.

Heard the learned Advocates for the petitioner and
the respondents.

Upon going through the averments made in the
application, this Court is of the considered view that the
petitioner was prevented by sufficient cause for not appearing
on 14th January, 2026 when the writ petition stood dismissed
for default.

Accordingly, the application stands allowed.

The order dated 14th January, 2026 stands recalled.
The writ petition is restored to its original file and number.

In Re: WPA 22075 of 2025

The petitioner claims to be the owner of a plot of
land being Dag No. 734 in Mouza Patabukahuda, under
Police Station Karimpur, in the District of Nadia.

The petitioner states that a State Highway from Krishnanagar to Karimpur is running adjacent to the aforesaid property of the petitioner. The petitioner alleges that the private respondent has constructed a building by encroaching upon the portion of the State Highway thereby causing obstruction to the ingress and egress of the petitioner from his property to the said highway.

The learned Advocate appearing for the petitioner submits that the petitioner has submitted a representation dated 5th August, 2025 before the Assistant Engineer Plassey Sub-Division, Public Works Department, for removal of the unauthorized encroachment from the State Highway. The learned Advocate for the petitioner submits that in spite of receipt of such representation, no steps have been taken by the respondent authorities to remove the encroachment from the State Highway till date.

The learned Advocate appearing for the State submits that necessary steps in accordance with law shall be taken if any encroachment upon the State Highway is found.

Without entering into the merits of the claim made by the petitioner in the representation dated 5th August, 2025, WPA 22075 of 2025, stands disposed of by directing the Assistant Engineer, Plassey Sub-Division, Public Works Department, being the third respondent, to consider the representation of the petitioners dated 5th August, 2025 and after causing necessary enquiries and demarcation of the plot in question, through competent Amin/Surveyor, upon prior service of notice to the petitioner, private respondent and any

other party/parties who may be affected by such demarcation and if any encroachment upon the State Highway is found, necessary proceeding in accordance with the law shall be initiated and the entire exercise under the said provision shall be completed as expeditiously as possible but positively within a period of 12 weeks from the receipt of a server copy of this order along with a copy of the representation dated 5th August, 2025.

Needless to mention that if it is found that there has been no encroachment upon the State Highway, such decision shall also be communicated by the third respondent to the petitioner within the time limit as indicated hereinbefore.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Hiranmay Bhattacharyya, J.)