

Sl.16
06.03.2026
Court No.19
BP

WPA 22366 of 2025

Tomim Hossain
-versus-
The State of West Bengal & Ors.

Ms. Sulekha Mitra
Mr. Manas Kumar Das
..for the petitioner

Mr. Swapan Banerjee
Mr. Soumen Chatterjee
..for the State

On the prayer of Ms. Mitra, learned advocate for the petitioner, leave is granted to the learned advocate on record of the petitioner to add the Assistant Engineer, Public Works Department, Burdwan Sub-Division as a party respondent in this writ petition. Let such amendment be carried out in the cause title of the writ petition, here and now.

Since the State is represented by Mr. Banerjee, learned advocate, there is no necessity to serve a copy of the amended writ petition upon the added respondent. However, the learned advocate on record of the petitioner shall be obliged to forward an amended cause title of the writ petition upon Mr. Banerjee, learned advocate for the State forthwith.

Pursuant to the order dated 11th November, 2025 the Executive Engineer, Public Works Department filed a report in the form of an affidavit which is taken on record. A copy of such report has already been supplied to the learned advocate for the petitioner.

After going through the said report this Court finds that the notice under Section 10(1) of the West Bengal Highways Act, 1964 has been issued to the private respondent directing him to remove the encroachment from the PWD road within the time limit indicated in the said report. The said report further states that if the unauthorised construction is not removed within the stipulated time appropriate proceedings under Section 10(3) of the 1964 Act shall be initiated.

Mr. Banerjee, learned advocate appearing for the State submits that necessary steps in accordance with law shall be taken and the entire exercise shall be completed within the time limit as may be fixed by this Court.

Ms. Mitra, learned advocate appearing for the petitioner submits that though the stipulated time limit to remove the encroachment has long expired but no further steps thereafter has been taken by the Assistant Engineer, Public Work Department, Burdwan Sub-Division.

The Assistant Engineer, Public Work Department, Burdwan Sub-Division being the added respondent is directed to take necessary steps in accordance with law, in the event the illegal encroachment from the PWD road has not been removed pursuant to the notice dated 26th November, 2025 and the entire exercise under Section 10(3) of the 1964 Act shall be completed by the concerned authority as expeditiously as possible but positively within

a period of eight weeks from the receipt of a server copy of this order.

With the above observations, WPA 22366 of 2025 stands disposed of.

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.)