

Court No. 19

(265719)

06.01.2026

(AD 27)

(S. Banerjee)

WPA 24036 of 2025

Biswanath Santra

Vs.

The State of West Bengal & Ors.

Mr. Sabyasachi Chatterjee

Mr. Kiron Sk.

Mr. Jamiruddin Sk.

...for the petitioner

Mr. Tapan Kumar Mukherjee, AGP

Mr. Sanatan Panja

...for the State

On the prayer of the learned advocate appearing for the petitioner leave is granted to the learned advocate-on-record to add the Assistant Engineer, PWD, Uluberia, Amta as a party-respondent in the instant writ petition.

Let such amendment in the cause-title of the writ petition be carried out here and now.

Since the State is represented, there is no necessity to serve a copy of the amended writ petition upon the State. However, the learned advocate-on-record of the petitioner shall be obliged to supply to a copy of the amended writ petition upon the learned advocate for the State forthwith.

The petitioner claims to be the owner of LR Plot No. 948, JL No. 64, Mouza – Krishnachak, Howrah. The petitioner states that there is a PWD road just adjacent to the aforesaid property of the petitioner and the private-respondent herein has constructed a building without any sanctioned plan by encroaching upon PWD road. The petitioner submitted a representation dated July 19, 2025 before the Assistant Engineer, PWD, Uluberia, Howrah and the Block Land and Land Reforms Officer, Udaynarayanpur Block requesting the authorities to take steps for removal of the illegal encroachment from the PWD road. The learned advocate appearing for the petitioner submits that in spite of receipt of such representation, no steps have been taken by the respondent authorities.

Mr. Mukherjee, learned Additional Govt. Pleader submits that first instalment under the Pradhanmantri Awas Yojana was released in favour of the private respondent for construction of a house but the private respondent did not make any construction with sanctioned plan. He submits that thereafter the next instalment has not been released in favour of the private respondent.

In the event the private respondent has made any construction without any sanctioned plan and in violation of the terms and conditions of a scheme, it will be open to the concerned authority to take steps in accordance with law.

The issue that arises for consideration in the instant writ petition is whether the private respondent has made a construction by encroaching upon the PWD road. The petitioner alleges that the private respondent has encroached upon the PWD road and a complaint has already been submitted before the concerned authority.

Mr. Mukherjee, learned Sr. Advocate, representing the State submits that necessary steps shall be taken in accordance with law if any encroachment is found.

Since a representation alleging encroachment upon the PWD road has been made, it is the duty of the respondent authorities to take a decision as to whether any portion of the PWD road has been encroached upon by the private respondents.

In the light of the submissions made by the learned advocates for the respective parties, this writ petition stands disposed of by directing the Assistant

Engineer, PWD, Uluberia, Amta, Howrah, being the added respondent herein, to consider the representation of the petitioner dated July 19, 2025 and after making necessary enquiries and demarcation through concerned authority if any encroachment upon PWD road is found, necessary steps in accordance with Section 10 of the West Bengal Highways Act, 1964 shall be initiated and the entire exercise under the said provision shall be completed as expeditiously as possible but positively within a period of eight weeks from the date of receipt of a server copy of this order along with a copy of the representation dated July 19, 2025.

It is, however, made clear that if it is found that there is no encroachment on the public road, such decision shall be communicated to the petitioner within the time limit mentioned hereinbefore.

With the aforesaid observations this writ petition stands disposed of.

(Hiranmay Bhattacharyya, J.)