

Item- 63. 16-02-2026

WPA 24854 of 2025

sg Ct. 19

Amiya Bera
Versus
State of West Bengal & Ors.

Mr. Raj Kumar Sain
...for the petitioner
Mr. Manoj Malhotra
Sk. Afrojul Hoque
...for the State

Affidavit of service filed in Court is taken on record.

The learned Counsel appearing for the petitioner submits that the private respondents have been duly served.

In spite of service, none appears on behalf of the private respondents. State is represented by its learned Advocates.

The petitioner claims to be the owner of LR plot no. 1205, Khatian no. 2877, JL no. 46, within Mouza Dwariberia, under Police Station Sutamata in the District of Purba Medinipur. The petitioner states that a PWD Road is running adjacent to the property of the petitioners. The petitioner alleges that the private respondents have raised an unauthorized construction by encroaching upon 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 7th October, 2025, before the Executive Engineer, Tamluk Highway Division, PWD (Roads) as well as the Assistant Engineer, Haldia Highway Sub-Division praying for removal of encroachment.

The learned Counsel appearing 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 PWD road till date.

Since a representation alleging encroachment upon the PWD road has been made, it is the duty of the respondent authorities to take necessary steps in accordance with law if any encroachment upon the PWD road is found.

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

In the light of the submissions made by the learned Advocates for the respective parties, WPA 24854 of 2025, stands disposed of by directing the Assistant Engineer, Haldia Highway Sub-Division, Public Works (Roads) Directorate, being the fifth respondent, to consider the representation of the petitioner dated October 7, 2025 and after conducting necessary enquiries and demarcation of the plot in question through competent officials, upon prior notice to the petitioner, private respondent and any other party/parties 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 law shall be initiated and the entire exercise 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 7 October, 2025.

Needless to mention that if it is found that there has been no encroachment upon the PWD road, such decision

shall also be communicated by the fifth respondent to the petitioners 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.)