

Item-
ML-6. 05-01-2026

WPA 27305 of 2025

sg Ct. 19

Chhiyatan Bibi @ Sekh Chhiyatan & Ors.
Versus
State of West Bengal & Ors.

Mr. Khalid Hasan
Mr. Subhendu Das

...for the petitioner

Mr. Lalit Mohan Mahata, AGP
Mrs. Ashima Das (Sil)

... for the State

Mr. Atis Kumar Biswas
Mr. Amit Singh
Mrs. Jyoti Agarwal

...for respondent nos.12-14

The order of the Assistant Engineer, Krishnagar Highway Sub-Division No.-1, P.W. (Roads) Directorate, Government of West Bengal, dated 18th September, 2025 is under challenge in this writ petition.

Mr. Mahato, learned Additional Government Pleader, files the report of the Assistant Engineer, Krishnagar Highway Sub-Division No.-I, P.W. (Roads) Directorate, dated 16th December, 2025 which is taken on record.

The petitioners state that they are in possession of a portion of a plot of land being No.73/2312 for last 40-50 years for the purpose of cultivation by maintaining a bamboo garden on the said property. The petitioners further state that the petitioners are in possession of the said property without any compliant or objection raised by any person or authority for several decades.

The learned Advocate appearing for the petitioners submits that the private respondents do not have any house, residential structure, commercial establishment or any

construction on the adjoining land and, therefore, the question of obstruction to the ingress and egress of the private respondents from their property to the PWD road does not arise.

The learned Advocate for the private respondents submits that upon enquiry, it was found that the petitioners have encroached upon a portion of PWD road and the respondent authority was right in passing the order for removal of encroachment.

Mr. Mahato submits that pursuant to an order passed by this Hon'ble Court in WPA 672 of 2025, a joint inspection was carried out and it was found that the petitioners have encroached upon the plot no. 73/2312, which is a PWD road.

After going through the materials on record including the report of the Assistant Engineer dated 16th December, 2025, this Court finds that pursuant to the order dated 10th March, 2025 passed in WPA 672 of 2025, a joint inspection was conducted and the report dated August 13, 2025 states that the petitioners have encroached upon plot no. 73/2312 of Mouza Sudhakarpur, which is recorded in favour of PWD and the said portion is full with bamboo trees which lies directly in front of plot nos. 119 of Mouza Sudharkarpur, J.L. No. 62 which is recorded in the name of one Ishad Ali Sekh. The Assistant Engineer after considering the joint inspection report arrived at a factual finding that the petitioners have been cultivating and maintaining a bamboo garden over plot no. 73/2312 without any lawful authority from the Public Works Department (Road). Such occupation of the petitioners was found to constitute unauthorized

encroachment' within the meaning of Section 2(b) of the West Bengal Highways Act, 1964 and was also found to cause obstruction to ingress and egress of the adjacent land owners.

In the light of the aforesaid findings, the Assistant Engineer, Krishnagar Highway Sub-Division No.-I, PWD (Roads) Directorate, by an order dated September 18, 2025 was directed to remove the encroachment i.e. the bamboo garden from plot no. 73/2312 within Mouza Sudhakarpur, JL No. 62, which is recorded in favour of PWD and to restore the land to its original condition and to ensure access to the highways within the time limit mentioned in the said order.

After going through the averments made in the writ petition, this Court finds that the petitioners have admitted to have been cultivating and maintaining the bamboo garden over a portion of the plot of land which belongs to the PWD. In view of such admitted fact, this Court does not find any reason to interfere with the order dated September 18, 2025.

Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

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

(Hiranmay Bhattacharyya, J.)