

Sl.33
05.01.2026
Court No.19
BP

WPA 27586 of 2025

Sudhangshu Ghosh & Anr.
-versus-
The State of West Bengal & Ors.

Mr. Prasad Bhattacharyya
..for the petitioners

Mr. Ansar Mondal
Mr. Swapan Kumar Paul
..for the State

Affidavit of service filed in Court today is taken on record.

The petitioners claim to be the owner of L.R. Plot No. 192 within Mouza Hisabi under Police Station Amdanga in the District of 24 Parganas (North). The petitioners state that PWD road is situated just adjacent to the aforesaid property of the petitioners. The petitioners further state that the private respondents have raised the construction by encroaching upon the PWD road.

The learned advocate appearing for the petitioners submits that no effective steps for removal of encroachment has been taken by the respondent authorities.

Mr. Mondal, learned advocate appearing for the State submits that immediately after receipt of the representation from the petitioners necessary steps were taken, enquiries were made and it was found that the 8th respondent has encroached upon the PWD road. He

further submits that a notice of removal of encroachment under Section 10(1) of the West Bengal Highways Act, 1964 has been served upon the 8th respondent. He further submits that since the said respondent did not remove the encroachment within the time limit as indicated in the notice under Section 10(1) of the 1964 Act, the Assistant Engineer, Barasat Highway Sub-Division has requested the Sub-Divisional Officer, Barasat (Sadar) Sub-Division by a memo dated 3rd November, 2025 to take necessary action under Section 10(2) of the West Bengal Highways Act, 1964. Mr. Mondal submits that the entire proceedings under Section 10(3) of the West Bengal Highways Act shall be completed within the time limit as may be fixed by this Hon'ble Court.

It is found that the 8th respondent has encroached upon the PWD road and has not complied with the directions contained in the notice for removal of encroachment issued under Section 10(1) of the 1964 Act and the concerned Sub-Divisional Officer has been approached. This Court is, therefore, of the considered view that the Sub-Divisional Officer should be directed to dispose of the proceedings under Section 10(3) of the West Bengal Highways Act within a stipulated time frame.

Accordingly, WPA 27586 of 2025 stands disposed of by directing the Sub-Divisional Officer, Barasat (Sadar) Sub-Division being the 3rd respondent to complete the entire exercise under Section 10(3) of the 1964 Act as

expeditiously as possible but positively within a period of six weeks from the date of receipt of a server copy of this order.

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.)