

Court No. 19
(265719)

05.01.2026
(A 27)
(S. Banerjee)

WPA 27422 of 2025

Sudhangshu Ghosh & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Prasad Bhattacharya	...for the petitioners
Mr. Santanu Kumar Mitra	
Mr. Subhabrata Das	...for the State

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

Learned advocate appearing for the petitioners
submits that the private respondents have been duly
served.

In spite of service none appears for the private
respondents.

The petitioners claim to be the owners of RS Plot
No. 192 within Mouza – Hisabi under Police Station
Amdanga in the district of North 24 Parganas. The
petitioners allege that a PWD road is running
adjacent to the aforesaid property of the petitioners.
The petitioners allege that the private respondents
have raised an unauthorized construction by
encroaching upon the PWD road thereby obstructing

the ingress and egress of the petitioner from his property to the PWD road. The petitioners claim to have submitted a representation before various authorities including the Executive Engineer (Road) Public Works Department, North 24 Parganas.

Learned advocate appearing for the petitioners submits that no effective steps have been taken by the respondent authorities for removal of such encroachment.

Learned advocate appearing for the State submits that after making necessary enquiries pursuant to the representation submitted by the petitioners it was found that there has been an encroachment upon the PWD road at the instance of the 8th respondent. He submits that a notice under Section 10(1) of the West Bengal Highways Act, 1964 dated September 22, 2025 has been duly served. Learned advocate further submits that since the encroachment has not been removed within the stipulated time limit as mentioned in the notice for removal, the matter has been forwarded to the Sub-Divisional Officer, Barasat (Sadar), Sub-Division Barasat vide memo dated November 3, 2025 by requesting the said authority to take necessary action under Section 10(2) of the 1964 Act. Learned

advocate appearing for the State further submits that necessary steps in the light of the provisions contained under Section 10(3) of the 1964 Act shall be completed within such time as may be fixed by this Court.

Since a notice of removal under Section 10(1) of the 1964 Act has already been served and the private-respondent who has been found to have encroached upon the PWD road has not yet removed such encroachment, this Court is of the considered view that the authority vested with the power under Section 10(3) of the West Bengal Highways Act, 1964 should be directed to complete the entire exercise under Section 10(3) of the said Act within a stipulated time limit.

In view thereof, this writ petition stands disposed of by directing the Sub-Divisional Officer, Barasat (Sadar), Sub-Division Barasat, being the respondent no. 3 herein, to complete the entire exercise as contemplated under Section 10(3) of the West Bengal Highways Act, 1964 as expeditiously as possible but positively within a period of six weeks from the date of receipt of a server copy of this order.

(Hiranmay Bhattacharyya, J.)