

Sl.32
05.01.2026
Court No.19
BP

WPA 27582 of 2025

Ratan Nayak & Ors.
-versus-
The State of West Bengal & Ors.

Mr. Ram Chandra Guchhait
Mr. Sourv Guchhait
..for the petitioners

Mr. Simanta Kabir
Ms. Amrita Tewari
..for the State

Mr. Sujit Bhunia
Mr. Debasis Dey
Ms. Sanchita De
..for the respondent nos. 16 and 17

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

The petitioners claim to be the owner of R.S. Dag No. 97 within Mouza Kanchibard under Police Station Ramnagar, Post Office Islampur in the District of Purba Midnapore. The petitioners state that there is a PWD road and land belonging to the PWD adjacent to the aforesaid property of the petitioners. The petitioners allege that the private respondents have raised a construction by encroaching upon the PWD road thereby causing obstruction to the ingress and egress of the petitioners from their property to the PWD road.

The learned advocate appearing for the private respondents denies the allegation made in the writ petition. He submits that the private respondents have

made construction on their raiyati property and have not encroached upon the PWD road.

The learned advocate appearing for the State submits that the petitioners have alleged encroachment upon the land belonging to the PWD and not the PWD road.

The petitioners have submitted a representation dated 18th October, 2025 before various authorities alleging encroachment upon the PWD road. The learned advocate appearing for the petitioners submits that no steps have been taken by the respondent authorities to remove the encroachment from the PWD road.

The learned advocate appearing for the State submits that for removal of encroachment from the PWD road proceedings under the West Bengal Highways Act, 1964 has to be initiated and if there is an allegation of encroachment in respect of a land, proceedings under a different statute has to be initiated.

However, since an allegation of encroachment upon the PWD road has been made, the respondent authorities are duty bound to consider the representation of the petitioner and to take steps in accordance with law, in case any encroachment upon the PWD road is found.

In the light of the submissions made by the learned advocate for the respective parties, WPA 27582 of 2025 stands disposed of by directing the Assistant Engineer, Public Works Department (Roads), Public Works

Directorate, Contai Sub-Division being the 9th respondent to consider the representation of the petitioner dated 18th October, 2025 and after making necessary enquiries in that regard if any encroachment upon the 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 by such respondent as expeditiously as possible but positively within a period of six weeks from the date of receipt of a server copy of this order along with a copy of the representation dated 18th October, 2025.

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.)