

Sl.13
06.01.2026
Court No.19
BP

WPA 29102 of 2025

Shyama Prasad Sarkar
-versus-
The State of West Bengal & Ors.

Mr. Siddhartha Sarkar
Mr. Sourav Gupta
Mr. Nilkamal Banerjee
..for the petitioner

Mr. Tonmoy Kumar Ghosh
Ms. Iti Dutta
..for the State

Ms. Ipsita Ghosh
Mr. Ranjit Malakar
..for the respondent
Nos. 6 to 8

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

The petitioner claims to be the recorded owner of Dag No. 233, Khatina No. 741 within Mouza Harirampur under Police Station Harirampur in the District of Dakshin Dinajpur. The petitioner states that PWD road is running adjacent to the aforesaid property of the petitioner. The petitioner alleges that the private respondents are carrying on business by raising unauthorised construction by encroaching upon the PWD road. The petitioner submitted a representation dated November 12, 2025 before the Assistant Engineer, Public Works Department (Roads), Buniadpur High Way Sub-Division, Dakshin Dinajpur.

The learned advocate appearing for the petitioner submits that in spite of receipt of such representation no steps have been taken by the respondent authorities till date.

The learned advocate appearing for the private respondents submits that the private respondents are carrying on business on the raiyati property after obtaining necessary licenses from the concerned authorities. She further submits that the petitioner is in possession of the raiyati property for a long time. She denies the allegation made in the writ petition that the private respondents have encroached upon the PWD road.

The learned advocate appearing for the State files a report of the Assistant Engineer, Buniadpur Highway Sub-Division, P.W. (Roads) Directorate, Buniadpur dated 26th December, 2025. It appears from the said report that the Assistant Engineer vide memo dated 22nd December, 2025 requested the Sub-Divisional Land and Land Reforms Officer, Gangarampur at Buniadpur to submit a report after demarcating the land bearing plot no.817 adjacent to the raiyati plot being 233 along Daulatpur-Harirampur-Denhaband road.

The learned advocate further submits that if any encroachment is found upon the public road necessary steps in accordance with law shall be taken.

Since an allegation of encroachment has been made, it is the duty of the respondent authorities to take steps in accordance with law.

In the light of the submissions made by the learned advocates for the respective parties, WPA 29102 of 2025 stands disposed of with the following orders:

The Block Land and Land Reforms Officer, Harirampur Block, Dakshin Dinajpur is directed to demarcate the plot in question and prepare a report along with a sketch map of such demarcation. The entire work of demarcation shall be completed as expeditiously as possible but positively within a period of six weeks from the date of receipt of a server copy of this order. The work of demarcation shall be conducted by the Block Land and Land Reforms Officer upon engaging competent Amins/Surveyors for such purpose and the report along with sketch map shall be forwarded to the petitioner, the private respondents and any other person who may be affected by such report of demarcation. The report of such demarcation shall also be forwarded to the Assistant Engineer, PWD (Roads), Buniadpur Highway Sub-Division being the 3rd respondent immediately thereafter. The Assistant Engineer, PWD (Roads), Buniadpur Highway Sub-Division being the 3rd respondent shall upon receipt of the report from the concerned Block Land and Land Reforms Officer take necessary steps in terms of Section 10 of the West Bengal Highways Act, 1964, if any

encroachment upon the PWD road is found. In that event the entire exercise shall be completed by the 3rd respondent as expeditiously as possible but positively within a period of four weeks from the date of receipt of the copy of the report from the concerned Block Land and Land Reforms Officer. In case the 3rd respondent finds that there has been no encroachment upon the public property such decision shall also be communicated to the petitioner and the private respondents immediately thereafter.

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.)