

Sl.6
14.01.2026
Court No.19
BP

WPA 29221 of 2025

Bapan Mondal
-versus-
The State of West Bengal & Ors.

Mr. Kamal Mishra
..for the petitioner

Ms. Sabnam De Bardhan
Mr. Bhaskar Chakraborty
..for the State

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

Mr. Mishra, learned advocate appearing for the petitioner submits that the private respondents have been duly served.

In spite of service none appears for the private respondents.

The petitioner claims to be the owner of a piece of land being Dag No. 49, J.L. No. 63 within Mouza Sahapur under Police Station Khejuri in the District of Purba Medinipur measuring about 10 decimals. The petitioner states that PWD road is running adjacent to the aforesaid property of the petitioner. The petitioner alleges that the private respondents herein have erected a construction by encroaching upon the PWD road thereby obstructing the ingress and egress of the petitioner from his property to the PWD road. The petitioner submitted a representation dated June 20, 2025 before the Assistant Engineer, Contai Highway Sub-Division, Public Works (Roads)

Directorate, Contai requesting him to take steps for removal of encroachment from the PWD road.

The learned advocate appearing for the petitioner submits that in spite of receipt of such representation no effective steps have been taken by the respondent authorities for removal of the encroachment except making a request to the concerned Block Land and Land Reforms Officer to make a demarcation of the property in question and to submit a report of such demarcation before the the Assistant Engineer, Contai Highway Sub-Division, Public Works (Roads) Directorate, Contai.

The learned advocate appearing for the State submits that since an allegation for removal of an encroachment upon the PWD road has been made, steps in accordance with law shall be taken in case any encroachment is found within the time limit as may be fixed by this Court.

The learned advocate appearing for the petitioner produces a copy of the memo no. 1273/114(4) dated September 22, 2025 issued by the Assistant Engineer, Contai Highway Sub-Division, Public Works (Roads) Directorate, Contai requesting the Block Land and Land Reforms Officer, Khejuri-II to initiate a measurement and submit a demarcation report along with a sketch map on the points mentioned in the said memo. The said memo is taken on record.

In the light of the submissions made by the learned advocates for the respective parties, WPA 29221 of 2025 stands disposed of with the following directions:

The Block Land and Land Reforms Officer, Khejuri Development Block-2 being the 5th respondent is directed to initiate a measurement and demarcate the property in question as per the directions contained in the memo dated 22nd September, 2025 and prepare a report along with a sketch map of such demarcation and complete the entire exercise as expeditiously as possible but positively within a period of four weeks from the date of receipt of a server copy of this order along with a copy of the representation dated 20th June, 2025 and the copy of the memo no. 1273/114(4) dated 22nd September, 2025. The entire work of demarcation shall be carried out by the 5th respondent after prior service of notice of such demarcation upon the petitioner, the private respondents and any other person who may be affected by such demarcation. The demarcation report and sketch map shall be forwarded to the petitioner and the private respondents as well as the Assistant Engineer, Contai Highway Sub-Division, Public Works Department being the 2nd respondent within a week thereafter.

Immediately upon receipt of the said report and the sketch map from the 5th respondent and if any encroachment upon the PWD road is found, the Assistant Engineer, Contai Highway Sub-Division, Public Works

(Roads) Directorate being the 2nd respondent shall initiate appropriate proceedings under Section 10 of the West Bengal Highways Act, 1964 and complete the entire exercise under the said provision as expeditiously as possible but positively within a period of four weeks from the date of receipt of a copy of the report from the Block Land and Land Reforms Officer, Khejuri Development Block-2. In case the 2nd respondent is of the view that there has been no encroachment upon the PWD road, such decision shall also be communicated to the petitioner and other interested parties within the time limit mentioned hereinafter.

It is, however, made clear that this Court has not gone into the merits of the claim made in the said representation and all points are left open to be decided by the respondent authority in accordance with law.

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.)