

Court No. 19
(265719)

16.01.2026
(AD 3)
(S. Banerjee)

WPA 29229 of 2025

Dayal Guru Das
Vs.
The State of West Bengal & Ors.

Mr. Kamal Mishra

...for the petitioner

Mr. Pantu Deb Roy, Ld. AGP
Mr. Pannalal Bandopadhyay

...for the State

Mr. Arabinda Pathak
Ms. Suparna Paul

...for the respondent no. 7

The petitioner claims to have purchased a plot of land being LR Dag No. 352, Khatian No. 1215/1, JL NO. 16, Police Station – Khejuri, within Mouza – Kamarda in the district of Purba Medinipur. The petitioner states that a PWD road is running adjacent to the aforesaid plot of the petitioner. the petitioner alleges that the private-respondents 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 September 3, 2025 before various authorities, including the Assistant Engineer, Contai Highway, Sub Divisional Public Works (Roads) Directorate,

Contai, to remove the encroachment upon the PWD road. Learned advocate appearing for the petitioner submits that in spite of receipt of such representation no steps have been taken by the respondent authorities for removal of encroachment.

Learned advocate appearing for the private-respondents denies and disputes the statements made in the writ petition. He submits that the private-respondents have not encroached upon any portion of the PWD road. He further submits that the construction has been erected by the private-respondents after obtaining requisite permission from the Panchayat authorities. He further submits that the private respondents are carrying on business after obtaining trade license from the Panchayat authorities. He further submits that the private-respondents are enjoying supply of electricity from the West Bengal State Electricity Distribution Company Limited.

Learned advocate appearing for the State submits that necessary steps in accordance with law shall be taken if any encroachment upon the PWD road is found.

Since an allegation of encroachment upon the PWD road has been made, it is the duty of the respondent authorities to resolve the issue in

accordance with law and to remove any encroachment upon the PWD road so as to make the said road encroachment-free.

In the light of the submissions made by the learned advocates for the respective parties and without entering into the merits of the claims made by the petitioner in the said representation, this writ petition stands disposed of with the following directions:

The Assistant Engineer, Contai Highway, Sub Divisional Public Works (Roads) Directorate, Contai, being the 4th respondent herein, shall consider the representation of the petitioner dated September 3, 2025 and after making necessary enquiries and demarcation through concerned authorities if any encroachment upon the PWD road is found, necessary proceeding under Section 10 of the West Bengal Highways Act, 1964 shall be initiated by the 4th respondent. The entire exercise under the said provision 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 along with a copy of the representation dated September 3, 2025.

It is, however, made clear that any demarcation of the property in question shall be made after serving

prior notice to the petitioner, the private-respondents and any other person who may be affected by such demarcation and copies of the report and the sketch map of such demarcation be forwarded to the petitioner, the private-respondents and any other affected party as well as the respondent no. 4.

In case it is found that there is no encroachment upon the PWD road, such decision shall also be communicated to the respective parties within the time limit as mentioned hereinbefore.

(Hiranmay Bhattacharyya, J.)