

Sl.24
02.01.2026
Court No.19
BP

WPA 29200 of 2025

Mr. Kamal Krishna Mondal
Vs.
The State of West Bengal & Ors.

Ms. Paulomi Ghosh
..for the petitioner

Mr. Amar Nath Sen
Mr. Shouvik Naskar
..for the respondent no.8

Mr. Vivekananda Bose
Mr. Kushal Das
..for the State

The petitioner claims to be the owner of Plot No. 507 within Mouza Bayaria under Police Station Falta in the District of South 24 Parganas. The petitioner states that there is a PWD road adjacent to the aforesaid property of the petitioner and the private respondents have raised 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 learned advocate appearing for the private respondent denies the allegation made in the writ petition. He submits that there is no PWD road adjacent to the property of the petitioner and there is a property belonging to the railways adjacent to the aforesaid property of the petitioner.

The learned advocate appearing for the private respondent further submits that the petitioner filed a civil suit alleging encroachment made by the private

respondent upon the property of the petitioner and the said suit has been dismissed for default. He submits that the instant writ petition is liable to be dismissed.

The learned advocate appearing for the State submits that the appropriate authority has not been approached by the petitioner. He, however, submits that since an allegation of encroachment upon the PWD road has been made, the concerned Block Land and Land Reforms Officer be directed to demarcate the PWD road, if any, in front of the property of the petitioner and thereafter necessary steps in accordance with law shall be taken by the appropriate authorities.

In course of hearing of this writ petition a copy of the plaint filed by the petitioner herein has been supplied by the learned advocate for the private respondent.

After going through the averments made in the plaint this Court is of the view that the cause of action for filing the said suit is different from the cause of action for filing the instant writ petition. In the instant writ petition an allegation of encroachment upon the PWD road has been made which was not the subject matter of the civil suit.

Record reveals that the petitioner has submitted a representation before the concerned Block Land and Land Reforms Officer by a letter dated November 12, 2025.

In the light of the submissions made by the learned advocates for the respective parties and considering the

nature of the dispute between the parties this Court is of the considered view that a demarcation of the land in front of the property of the petitioner should be made by the concerned Block Land and Land Reforms Officer.

WPA 29200 of 2025 stands disposed of by directing the Block Land and Land Reforms Officer, Falta being the 6th respondent to conduct an enquiry and to demarcate the PWD road alleged to be situated adjacent to the property of the petitioner being Plot No. 507 within Mouza Bayaria under Police Station Falta in the District of South 24 Parganas by engaging competent Amins/Surveyors for the purpose of carrying out the work of demarcation. The work of demarcation shall be conducted after giving prior notice to the petitioner and the private respondents. The sketch map and the report prepared by the said respondent shall be supplied to the petitioner and the private respondents. If any encroachment upon the PWD road is found to have been made, the said respondent shall forward the copy of the said report to the appropriate authorities under the West Bengal Highways Act, 1964 for taking necessary action in that regard. If encroachment upon PWD road is found, the appropriate authorities under the West Bengal Highways Act, 1964 shall initiate appropriate proceedings and conclude the same as expeditiously as possible but positively within a period of four weeks from the date of receipt of the report from the concerned Block Land and Land Reforms Officer.

The copy of the plaint is taken on record.

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.)