

Item-
25. 20-01-2026

WPA 29240 of 2025

sg Ct. 19

Mahamaya Mondal
Versus
State of West Bengal & Ors.

Mr. Anup Dasgupta
...for the petitioner
Mr. Debjit Mukherjee
Mrs. Priyanka Jana
... for the State

Affidavit of service filed in Court is taken on record.

The learned Counsel appearing for the petitioner submits that the respondent authorities have been duly served.

In spite of service, none appears for the State as well as the private respondents.

Mr. Debjit Mukherjee, learned Advocate, who usually represents the State, is present in Court and is requested to appear for the State in this matter along with a junior of his choice.

The appointments of Mr. Mukherjee and a junior of his choice be regularized by the concerned authority.

A copy of the writ petition shall be served upon Mr. Mukherjee in course of the day.

The petitioner claims to be owner of a plot being no. 396, khatian no. 834, J.L. no. 83, within Mouza Shillaberia, in the District of Purba Medinipur. The petitioner states that there is a PWD road running adjacent to the aforesaid property of the petitioner. The petitioner alleges that the private respondents have constructed a pucca private house by encroaching upon the PWD road just in front of the

petitioner's land thereby causing obstruction to the ingress and egress of the petitioner from his property to the PWD road. The petitioner submitted a representation dated June 17, 2025 before the various authorities including Assistant Engineer, P.W.D., Haldia Construction Sub-Division.

The learned Counsel appearing for the petitioner submits that in spite of receipt of such representation, no steps have been taken by the respondent authorities to remove the encroachment from the PWD road.

Mr. Mukherjee, learned Advocate appearing for the State submits that necessary steps in accordance with law for removal of encroachment shall be taken within the time limit as may be fixed by this Court.

Since an allegation of encroachment has been made, it is the duty of the respondent authorities to take necessary steps in the event it is found that the PWD road or any portion thereof has been encroached.

In the light of the submissions made by the learned Advocates for the respective parties, the writ petition being, WPA 29240 of 2025, stands disposed of by directing the Assistant Engineer, Public Works Department, Haldia Construction Sub-Division, Purba Medinipur, being the sixth respondent, to consider the representation of the petitioner dated June 17, 2025 and after making necessary enquiries and demarcation of the plot in question, if any encroachment upon the PWD road is found, necessary steps in accordance with provisions of Section 10 of the National Highways Act, 1964 shall be initiated and 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 June 17, 2025.

Needless to mention that if it is found that there has been no encroachment upon the PWD road, such decision shall also be communicated by the sixth respondent to the petitioner within the time limit as indicated hereinbefore.

It is, however, made clear that this Court has not gone into the merits of the allegation contained in the said representation as well as in the writ petition.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Hiranmay Bhattacharyya, J.)