

Court No. 19

(265719)

13.01.2026

(AD 21)

(S. Banerjee)

WPA 29901 of 2025

Alok Kumar Jana & Anr.

Vs.

State of West Bengal & Ors.

Mr. Salil Kumar Maiti

Ms. Dolan Samanta

...for the petitioners

Mr. Lalit Mohan Mahata, AGP

Mr. Prasanta Behari Mahata

...for the State

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

In spite of service none appears to represent the private respondents.

The petitioners claim to be the owner of plot no. 787 under Mouza – Mahammadpur, JL No. 119 under Police Station – Nandakumar in the district of Purba Medinipur. The petitioners state that National Highway no. 116B from Nandakumar to Digha is running adjacent to the aforesaid property of the petitioners. The petitioners allege that the private respondents have made an illegal construction by encroaching upon the said highway thereby obstructing the ingress and egress of the petitioners

from their property to the National Highway. The petitioners submitted a representation before various authorities including the District Magistrate, Purba Medinipur by a letter dated November 24, 2025 praying for removal of the unauthorized construction from the National Highway. Learned advocate appearing for the petitioners submitted that in spite of receipt of such representation, no steps have been taken by the respondent authorities.

Mr. Mahata, learned AGP, submits that as per the relevant notification the District Magistrate, Purba Medinipur has been authorized to take a decision with regard to removal of encroachment from the National Highway. He submits that necessary steps pursuant to the representation submitted by the petitioners shall be taken and if any encroachment is found, the same shall be removed in accordance with law with the time limit that may be fixed by this Court.

Since an allegation of encroachment of a National Highway has been made, a decision on such issue shall have to be taken in accordance with law as expeditiously as possible.

In the light of the submissions made by the learned advocates for the respective parties, this writ

petition stands disposed of by directing the District Magistrate, Purba Medinipur, being the 4th respondent, to consider the representation of the petitioners dated November 24, 2025 and after making necessary enquiries and demarcation if any encroachment upon the National Highway is found, a proceeding in terms of the National Highways Act shall be initiated and the entire exercise shall be completed as expeditiously as possible but positively within a period of six weeks from the receipt of a server copy of this order along with a copy of the representation dated November 24, 2025.

In case the said respondent comes to a finding that there has been no encroachment upon the National Highway, such decision shall be communicated to the petitioners within the time limit mentioned hereinbefore.

(Hiranmay Bhattacharyya, J.)