

Sl.10
18.03.2026
Court No.19
BP

WPA 29979 of 2025

Biprajit Singha Roy & Ors.
-versus-
The State of West Bengal & Ors.

Mr. Mainak Bose, Sr. Advocate
Mr. Lakshminath Bhattacharya
Mr. Subhankar Bose
..for the petitioners

Mr. Biplab Guha
Mr. Debabrata Mondal
..for the State

Mr. Dhananjay Nayak
Mr. Abhinaba Mukherjee
..for the private respondent
Nos. 11, 14, 15 to 19.

The petitioners claim to be the owner of plots of land being R.S. Dag No. 53 and 55 corresponding to L.R. Dag No. 55/1489 and 53/1490. The petitioners state that a PWD road is running adjacent to the aforesaid property of the petitioners and the private respondents have raised an unauthorised construction by encroaching upon the said PWD road just in front of the aforesaid property of the petitioners thereby obstructing the ingress and egress of the petitioners from their property to the PWD road. The petitioners submitted a representation dated 14th August, 2024 before various authorities including the Assistant Engineer, Public Works Department, Canning

Sub-Division requesting the authorities to take steps for removal of encroachment from the PWD road.

Mr. Bose, learned senior advocate appearing for the petitioners submits that in spite of receipt of such representation no effective steps for removal of encroachment from the PWD road has been taken by the respondent authorities.

Mr. Nayak, learned advocate appears for the private respondents. He disputes the submission of Mr. Bose, learned senior advocate for the petitioners that the private respondents have encroached upon any portion of the PWD road. He submits, on instructions, that the private respondents are in occupation of a raiyati property.

The learned advocate appearing for the State files a report of the Assistant Engineer, Public Works Department, Canning Sub-Division dated 16th March, 2026 which is taken on record. A copy of such report has been supplied to the learned advocate for the petitioners and the private respondents.

From the said report it appears that pursuant to a request made by the Assistant Engineer, Public Works Department, Canning Sub-Division, the Block Land and Land Reforms Officer, Canning-I Block has fixed a date for demarcation of the disputed property on 25th March, 2026 at 11.30 a.m.

Mr. Bose, learned senior advocate appearing for the petitioners, on instructions, submits that the petitioners

have received the notice of demarcation and are also aware of the date fixed for demarcation.

Mr. Nayak, learned advocate appearing for the private respondents submits that the private respondents have received the copy of the notice being memo no. 132 dated 12th March, 2026.

It appears from the said notice that the date of demarcation has been fixed on 25th March, 2026. Thus the private respondents are also aware of the date fixed for demarcation. Though Mr. Nayak, learned advocate appearing for the private respondents submits that there are certain discrepancies in the mentioning of the plot numbers in the said notice, it will be open to the private respondents to make appropriate submissions at the time of such demarcation.

Since an allegation of unauthorised encroachment upon the PWD road has been made it is the duty of the respondent authorities to take steps in accordance with law if an encroachment upon the PWD road is found.

The Block Land and Land Reforms Officer, Canning-I Block being the 9th respondent is directed to carry out the work of demarcation on the date fixed i.e. on 25th March, 2026 by engaging the competent Amins/Surveyors for such purpose and prepare a demarcation report along with a sketch map of such demarcation. The demarcation report along with the sketch map shall be forwarded to the petitioners, the

private respondents and any other person who may be affected by such demarcation as well as to the Assistant Engineer, Canning Sub-Division being the added respondent no.20 as expeditiously as possible but positively within a period of two weeks from the date fixed for demarcation. Upon receipt of the demarcation report, if any encroachment upon the PWD road is found the Assistant Engineer, Canning Sub-Division, Public Work (Roads) Department being the added respondent no.20 shall initiate appropriate proceedings under the relevant provision of the statute and complete the entire exercise under the said provision as expeditiously as possible but positively within a period of eight weeks from the receipt of a copy of the report from the concerned Block Land and Land Reforms Officer. It will be open to the respective parties to produce materials in support of their respective claims at the time of such inspection.

Since affidavits have not been called for the allegations contained in the writ petition shall not be deemed to have been admitted by them.

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.)