

Item No.50  
11.02.2026  
Court. No. 6  
GB

*CALCUTTA HIGH COURT  
IN THE CIRCUIT BENCH AT JALPAIGURI  
APPELLATE SIDE*

WPA 2289 of 2025

Sri Swapan Das @ Swapan Kumar Das & Ors.  
VS  
The State of West Bengal & Ors.

*Mr. Jagriti Mishra,  
Ms. Ananya Bhattacharya,  
Mr. Abhilash Mittal,  
Ms. Mrinmayee Das,  
Ms. Dayeeta Datta*

*...for the Petitioners.*

*Mr. Joyjit Choudhury, Ld. AAG.,  
Mr. Sumit Kumar*

*...for the State.*

*Mr. Arnab Sengupta*

*...for the Respondent No.6.*

*Mr. Deborshi Dhar,  
Ms. Taniya Bhowmik*

*...for the Respondent No.7.*

1. The petitioners allege that the respondent nos. 6 and 7 have encroached the Matigara-Kurseong Highway which has obstructed their ingress and egress. Accordingly, a complaint was lodged before the respondent nos. 2 and 3 on June 24, 2025, which is Annexure P/5 at page no.57 to this writ petition. The authorities are yet to take a decision in this regard.
2. Mr. Sengupta and Mr. Dhar, learned advocates who represent the respondent nos.6 and 7 deny the claim of the petitioners. They submit that the

structure of the respondents have been in existence for more than 30 years. The Matigara-Kurseong Highway was notified as the State Highway much later. The question of encroachment of the State Highway did not arise at all. It is specifically submitted that the highway was widened later. The shops were never on the PWD land.

3. The Executive Engineer, P.W.D. filed a report through the learned Advocate Government Pleader. It appears that a joint inspection was held with the help of the Block Land and Land Reforms Officer but, the joint inspection report is inconclusive. Another report has been filed by the Matigara Police Station, inter alia, stating that a tin shed has been constructed over the P.W.D. land and in front of the boundary wall of the petitioner.
4. Under such circumstances, this writ petition is disposed of with a direction upon the respondent nos.2 and 3 to take a decision on the complaint filed by the petitioners and decide as to whether there is encroachment of the highway by the respondent nos.6 and 7. A joint inspection shall be held in the presence of the parties and a demarcation shall also be made on the basis of the land records, lay out of the highway, deeds of ownership or the possession of the respondent nos.6 and 7. A report shall be prepared and handed

over to the parties and thereafter, steps shall be taken in accordance with law upon hearing all the parties and giving them an opportunity to file their written version. If the construction is found to be an encroachment of the highway and without any permission from the highway authority, then steps shall be taken as per law, including demolition.

5. Accordingly, the writ petition is disposed of.
6. Parties are directed to act on the basis of the server copy of this order.

**(Shampa Sarkar, J.)**