

Item- 17-04-2026
4.

sg Ct. 19

WPA 8455 of 2026

Asab Ali @ Raja & Ors.
Versus
State of West Bengal & Ors.

Mr. Mohaimenul Mondal
Mr. Snahasish Naskar
...for the petitioners
Mr. Ansar Mandal, AGP
Ms. Somashree Dey
...for the State

Affidavit of service filed in Court is taken on record.

The learned Advocate appearing for the petitioners states that private respondents have been duly served. In spite of service, none appears on behalf of the private respondents.

The petitioners allege that the private respondents have made an unauthorized construction upon the PWD road. The petitioners submitted representation before various respondent authorities praying for removal of encroachment from the PWD road.

The learned Advocate for the petitioners submits that in spite of receipt of such representation, no steps have been taken by the respondents till date.

Ms. Dey, learned Advocate appearing for the State submits that she has received oral instructions from the concerned respondent to the effect that request for demarcation of the disputed property has been made to the concerned Block Land & Land Reforms Officer.

Since an allegation of encroachment upon the PWD road has been made, it is the duty of the respondent authorities to consider such issue and to take steps in

accordance with law if any encroachment upon the PWD road is found.

In the light of the submissions made by the learned Advocates for the respective parties, this writ petition stands disposed of by directing the Assistant Engineer, Kandi Highway Sub-Division, being the sixth respondent, to consider the representation of the petitioners dated 27th January, 2026 and after causing necessary enquiries and demarcation through competent Amins/Surveyors, upon prior service of notice to the petitioners, private respondents and any other persons, who may be affected by such demarcation and upon such demarcation, if it is found that there is any encroachment upon the PWD land, necessary proceeding shall be initiated in accordance with the provisions of the relevant statute and the entire exercise under the said provision shall be completed as expeditiously as possible but positively within a period of twelve weeks from the receipt of a server copy of this order along with a copy of the representation dated 27th January, 2026.

Needless to mention that if such authority arrives at a conclusion that there is no encroachment upon the PWD road, such decision shall also be communicated by the sixth respondent to the petitioners and others within the time limit as indicated hereinbefore.

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

(Hiranmay Bhattacharyya, J.)