

Item- 10-06-2026
A-57.

Ct. 19
sg

WPA 15090 of 2025

Dilip Baidya
Versus
State of West Bengal & Ors.

Mr. Pankaj Halder
Mr. Raju Ahmed

...for the petitioner

Mr. Nilanjan Bhattacharjee
Ms. Jayita Dhar Chakraborty
Mr. Rhitam Chatterjee

...for the State

Mr. Amit Singh
Mr. Roshan Jaiswal

...for the respondent nos.8-11

The affidavit of service filed in Court is taken on record.

The petitioner claims to be the owner of several plots of land within Mouza Raidighi Abad, in the District of South 24 Parganas. The petitioner states that the land belonging to the Public Works Department (Roads) of the Government of West Bengal is running adjacent to the aforesaid properties of the petitioner. The petitioner alleges that the private respondents have raised an unauthorized construction by encroaching upon the PWD road thereby causing obstruction to the ingress and egress of the petitioner from his property to the PWD road.

The learned Advocate appearing for the private respondents seriously disputes the allegation made by the petitioner against the private respondents.

The petitioner submitted a representation on 20th June, 2025 before Assistant Engineer, Joynagar Sub-Division, Public Works Department, Howrah Division, praying for removal of encroachment upon the PWD road.

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

Since the allegation of encroachment upon the PWD road has been made, it is the duty of the respondent authorities to enquire into the matter and take steps in accordance with law.

Mr. Bhattacharjee, learned Senior Standing Counsel submits that necessary steps shall be taken in accordance with law if any encroachment from the PWD road is found.

Without entering into the merits of the claim made by the petitioner in the representation dated 20th June, 2025, this writ petition stands disposed of by directing the Assistant Engineer, Public Works Department, Joynagar Sub-Division, being the sixth respondent to consider the representation of the petitioner dated 20th June, 2025 and after causing enquiry and demarcation of the disputed plots by engaging competent Amin/Survior, upon prior notice to the petitioner, private respondents and any other party/parties who may be affected by such demarcation and upon such demarcation, if any encroachment upon the PWD road is found, necessary proceeding in accordance with the provisions of relevant statute shall be initiated and the entire exercise under the said statute shall be completed as expeditiously as possible but positively within a period of ten weeks from the receipt of a server copy of this order along with a copy of the representation dated 20th June, 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 to the petitioner 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.)