

12.06.2026
Sl. No.4
Ct. No.6
gd

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

WPA/693/2026

**HIMALAYAN CONSULTANTS PRIVATE
LIMITED
VS
THE STATE OF WEST BENGAL AND ORS.**

Mr. Abhilash Mittal
Mr. Roumyadip Saha
...for the Petitioner.

Mr. Kunaljit Bhattacharya, ld. AGP
Mr. Samar Rakshit
...for the State.

Mr. Hillol Saha Podder
...for the Respondent Nos.6 to 10.

1. By the present writ petition the petitioner seeks direction upon the respondent authorities to remove the encroachment made by the private respondent nos.6 to 10 in vacant land intervening the petitioner's land and Matigara Kurseong Road being a Highway under West Bengal Highways Act, 1964 and initiate proceedings under the said Act.
2. The petitioner contends that they are the owners of land measuring about 0.69 acres appertaining to and forming part of LR Plot No.120 (RS Plot No.22), recorded in Khatian Nos.84, 85 and 205 under Mouza-Baniakhari,

JL No.55, Police Station-Matigara, Pargana – Patharghata, District- Darjeeling by virtue of two registered deed of sale being instrument nos.04982 of 2009, Book-I, CD Volume No.15, Pages 14-23 and 04894 of 2009, Book-I, CD Volume No.15, Pages 37-46, both the instruments registered at the Office of the Additional District Sub-Register, Siliguri-II at Bagdogra. The private respondent nos.6 to 10 have illegally encroached upon and constructed several temporary as well as permanent structures measuring about 65 feet on the vacant land lying between the flank of Matigara Kurseong Road and the boundary wall on the southern side of the land of the petitioner which is in possession of the Public Works Department, State of West Bengal. On 1st April, 2026 (sent on 2nd April, 2026) representation was made before respondent no.2, the Executive Engineer, North Bengal Construction Division, PWD, Hill Cart Road and respondent no.3, the Assistant Engineer, North Bengal Construction Division, PWD, Hill Cart Road alleging of such unauthorised and illegal encroachment. However, since no steps have been taken, hence this writ petition.

3. Mr. Abhilash Mittal, learned advocate appearing for the petitioner submits that the

matter may be relegated to appropriate authority for taking steps in relation to the representation of the petitioner, in accordance with law.

4. Mr. Kunaljit Bhattacharya, learned Additional Government Pleader representing the State submits that the matter has been already taken up by respondent nos.2 and 3 and notices will be issued to the parties shortly for enquiry and hearing.
5. Mr. Hillol Saha Podder, learned advocate appearing for private respondent nos.6 to 10 concedes that the matter may be relegated to appropriate authority subject to notice being sent to his clients.
6. In view of the above submissions, respondent no.2, the Executive Engineer, North Bengal Construction Division, PWD, Hill Cart Road and respondent no.3, the Assistant Engineer, North Bengal Construction Division, PWD, Hill Cart Road are directed to consider the representation of the petitioner dated 1st April, 2026 (sent on 2nd April, 2026) and dispose of the same by passing a reasoned order in accordance with law upon notice to the petitioner as well as all concerned including private respondents within a period of six

weeks from the date of communication of this order.

7. The reasoned order shall be communicated to the petitioner within one week from passing thereof.
8. Learned advocate for the petitioner is directed to communicate this order to respondent no.2, the Executive Engineer, North Bengal Construction Division, PWD, Hill Cart Road and respondent no.3, the Assistant Engineer, North Bengal Construction Division, PWD, Hill Cart Road, for necessary compliance.
9. It is made clear that this court has not gone into the merits of the writ petition.
10. With the aforesaid directions, the writ petition being **WPA 693 of 2026** stands disposed of.
11. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
12. Interim order, if any, stands vacated.
13. All connected applications, if any, stand disposed of.
14. There shall be no order as to costs.
15. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

16. Urgent Photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)