

Item-
17. 11-11-2025

WPA 9477 of 2025

sg

Ct. 19

Kabirul Islam
Versus
The State of West Bengal & Ors.

Mr. Partha Pratim Ray
Ms. Paulami Chakraborty
...for the petitioner

Mr. Ayan Banerjee
Mr. Amritlal Chatterjee
Mr. Ajeyo Cowdhury
...for State

Md. Hafiz Ali
...for the respondent no.11

Affidavit of service filed in Court today is taken on record.

Petitioner claims to be the recorded owner of LR Dag Nos. 5467, 5468 and 5469 within mouza Salar, under Police Station Salar, in the District Murshidabad. Petitioner alleges that the private respondents have raised a construction on a portion of the PWD road adjoining to the property of the petitioner thereby obstructing his ingress and egress from the aforesaid plots to the PWD road. Petitioner submitted a representation before the Assistant Engineer (PWD) Roads, being the fourth respondent herein.

The grievance of the petitioner is that, no steps have been taken by the respondent authorities pursuant to the representation submitted by the petitioner.

The learned Advocate appearing for the respondent no. 11 submits that the 11th respondent has not made any construction on the PWD road.

The learned Advocate appearing for the State submits that the respondent authority shall take steps in

accordance with law within the time limit that may be fixed by this Court.

In the light of the submissions made by the learned Advocates for the respective parties, this Court directs the Assistant Engineer (PWD) Road, being the fourth respondent herein, to consider the representation of the petitioner and cause an inquiry in that regard and in the event any encroachment upon the PWD Road is found, appropriate proceeding under the West Bengal Highways Act, 1964 shall be initiated in accordance with law, which shall be concluded as earlier as possible but positively within a period of four weeks from the date of receipt of a server copy of this order.

It is, however, made clear that this Court has not gone into the merits of the claims and counter-claims of the respective parties.

With the above observation and direction, the writ petition, being WPA 9477 of 2025, stands disposed of. However, there shall be no order as to costs.

Since no affidavit was called for, allegation contained in the writ petition shall not be deemed to have been admitted.

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

(Hiranmay Bhattacharyya, J.)