

Item-
ML-35. 01-12-2025

WPA 17175 of 2025

sg Ct. 19

Sk. Mosiar Rahaman
Versus
The State of West Bengal & Ors.

Mr. Debottam Das
Mr. Sourojit Mukherjee
Mr. Tirupati Mukherjee
...for the petitioner
Mr. Soumitra Bandyopadhyay
Mr. Priyabrata Batabyal
...for the State

The learned Advocate appearing for the petitioner submits that the private respondents have been duly served. He, however, prays for leave to file the affidavit of service by 2nd December, 2025.

Such leave is granted to the learned Advocate for the petitioner.

The petitioner claims to be the recorded owner of Dag No. 2578, within Mouza Bahirgangarampur, under Uluberia Police Station in the District of Howrah. The petitioner states that there is a nayanjuli beside the PWD road adjacent to the property of the petitioner. The petitioner alleges that the private respondents have made an illegal construction on the PWD road thereby obstructing the ingress and egress of the petitioner from his property to the PWD road. The petitioner submitted a representation dated July 13, 2025.

The learned Advocate appearing for the petitioner submits that in spite of receipt of such representation, the respondent authorities have not taken any steps to remove the encroachment.

Mr. Soumitra Bandyopadhyay, learned Senior Government Advocate, appearing for the State, submits that steps in accordance with law shall be taken within the time limit as may be fixed by this Court.

Since the allegation of encroachment upon the PWD road has been made, it is the duty of the respondent authorities to take steps for removal of the encroachment, if any, in accordance with law.

In the light of the submission made by the learned Advocate for the respondent authorities, WPA 17175 of 2025 stands disposed of by directing the Assistant Engineer, Public Works Department (Roads) Directorate, Uluberia Sub-Division, being the respondent nos. 5, to consider the representation of the petitioner dated July 13, 2025 and if upon consideration of the said representation and after making necessary inquiries, it is found that there has been encroachment upon the PWD road, steps in accordance with the provisions of Section 10 of the West Bengal Highways Act, 1964 shall be taken and the entire exercise under the said provision shall be completed as expeditiously as possible but positively within a period of eight weeks from the date of receipt of the server copy of this order along with a copy of the representation dated July 13, 2025.

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

(Hiranmay Bhattacharyya, J.)