

Court No. 19

(265719)

**14.11.2025**

(AD 23)

(S. Banerjee)

WPA 20300 of 2025

Hadisur Rahaman & Anr.

Vs.

The State of West Bengal & Ors.

Md. Yusuf Ali

...for the petitioners

Mr. Chandi Charan De

Ms. Tuli Sinha

...for the State

Ms. Manali Biswas

Mr. Pritam Banerjee

Mr. Mrinal Saha

...for the respondent nos. 8 and 9

The petitioners claim to be the owners of several plots of land within Mouza – Beldanga, in the district of Murshidabad.

Petitioners allege that the private respondents have raised an illegal construction on the PWD road adjacent to the property of the petitioners thereby obstructing the ingress and egress of the petitioners from their property to the PWD road. Petitioners submitted a representation dated July 2, 2025 before the Assistant Engineer, Public Works (Roads) Directorate.

Learned advocate appearing for the petitioners submits that in spite of receipt of such representation

the respondent authorities have not taken any step pursuant thereto.

The private respondents are represented by their learned advocates.

Learned advocate appearing for the private respondents submits that the private respondents have not made any illegal construction encroaching upon the PWD road. He further submits that the private respondents have not created any obstruction to the ingress and egress of the petitioners from their property to the PWD road.

Learned advocate appearing for the petitioners submits that the State respondents have been duly served.

In spite of service none appears to represent the State.

Mr. Chandi Charan De, learned Additional Government Pleader, who usually represents the State, is present in court today and is requested to appear in this matter.

Let the appointment of Mr. De, learned Additional Government Pleader, along with a junior of his choice, be regularized by the competent authority.

Learned advocate-on-record of the petitioner is directed to serve a copy of the writ petition upon the junior of Mr. De by November 17, 2025.

Since a representation has been submitted alleging illegal encroachment of PWD road, the respondent authorities are duty bound to take steps in accordance with law.

In view thereof, this writ petition stands disposed of by directing the Assistant Engineer, Public Works (Roads) Directorate, being the 4<sup>th</sup> respondent, to consider the representation of the petitioners, make necessary enquiries and to take necessary steps in terms of Section 10 of the West Bengal Highways Act, 1964. The entire exercise shall be completed as expeditiously as possible, but positively within a period of six weeks from the date of receipt of a server copy of this order along with a copy of the representation dated July 2, 2025.

It is, however, made clear that this court has not gone into the merits of the claims and counter-claims of the respective parties and the respondent no. 4 shall be free to decide the same in accordance with law.

**(Hiranmay Bhattacharyya, J.)**