

Item- 27. 17-11-2025

WPA 21443 of 2025

sg Ct. 19

Santana Khatun & Anr.
Versus
The State of West Bengal & Ors.

Mr. Manas Kr. Das

...for the petitioners

Mr. M. Mondal

...for the respondent nos. 9-11

Affidavit of service filed in Court is taken on record.

In spite of service, none appears on behalf of the State.

The petitioners claim to be the owners of LR Dag No. 2346, within Mouza Chandpur, under Police Station Nowda, in the District of Murshidabad. The petitioners state that there is a PWD road adjacent to the property of the petitioners. The petitioners further state that the private respondents have raised an illegal and unauthorised construction by encroaching upon the PWD road thereby causing obstruction to the ingress and egress of the petitioners from their property to the PWD road. The petitioners submitted a representation dated 5th August, 2025 before the various authorities including Assistant Engineer, Berhampore Highway Sub-Division, P.W. (Roads) Directorate, being the sixth respondent herein.

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

Learned Advocate appearing for the private

respondents, submits that the private respondents are carrying on business over the said land for more than 14 years after obtaining permission from the concerned Panchayat authority.

Since the petitioners have submitted a representation alleging encroachment upon the PWD road, it is the duty of the respondent authorities to take steps in accordance with law.

In the light of the submissions made by the learned Advocates for the respective parties, WPA 21443 of 2025 stands disposed of without entering into the merits of the claim and counter-claim of the respective parties and by directing the Assistant Engineer, Berhampore Highway Sub-division, being the respondent sixth respondent, to consider the representation of the petitioner dated 5th August, 2025 and to take steps in accordance with the provisions laid down under 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 four weeks from the date of receipt of the copy of the sever copy of this order along with copy of the representation dated 5th August, 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.)