

Sl. 8
02.12.2025
Court No.19
BP

WPA 26679 of 2025

Mintu Mandal
-versus-
The State of West Bengal & Ors.

Mr. Mobaidur Hossain
..for the petitioner

Ms. Rama Halder
..for the State

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

The learned advocate appearing for the petitioner submits that the private respondents have been duly served.

In spite of service none appears for the private respondents.

This application under Article 226 of the Constitution of India is at the instance of a person alleging that the private respondents have made an illegal construction on the PWD road.

The petitioner claims to be the recorded owner of L.R. Dag No. 200 within Mouza Kanapara, J.L. No. 27, Khatian No. 960 under Police Station Nowda in the District of Murshidabad. The petitioner states that adjacent to the aforesaid property of the petitioner there is a PWD road running from Amtala to Patikabari. The petitioner alleges that the private respondents made an unauthorised construction on the PWD road just in front

of the property of the petitioner thereby obstructing the ingress and egress of the petitioner from his property to the PWD road. The petitioner submitted a representation before various authorities including the Assistant Engineer, Berhampore Highway Sub-Division, P.W.(Roads) Directorate, Murshidabad being the 6th respondent praying for removal of encroachment.

The learned advocate appearing for the petitioner submits that in spite of receipt of such representation no steps have been taken by the respondent authorities for removal of encroachment.

The learned advocate appearing for the State submits that before taking a decision on removal of encroachment a demarcation of the disputed plot is to be made and if upon such demarcation it is found that there has been any encroachment steps shall be taken in accordance with law.

In the light of the submissions made by the learned advocates for the respective parties, WPA 26679 of 2025 stands disposed of by directing the Assistant Engineer, Berhampore Highway Sub-Division, P.W.(Roads) Directorate, Murshidabad being the 6th respondent to consider the representation of the petitioner dated June 24, 2025 and to take necessary steps including making an inspection of the plot in question through the concerned authority and if upon such inspection it is found that there has been any encroachment upon the

PWD road steps in accordance with Section 10 of the West Bengal Highway 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 a server copy of this order along with a copy of the representation dated June 24, 2025.

There shall be, however, no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Hiranmay Bhattacharyya, J.)