

Sl. 27
10.03.2026
Court No.19
BP

WPA 2154 of 2026

Toufik Nawaj
-versus-
The State of West Bengal and others

Mr. Hamidur Rahaman
..for the petitioner

Mr. Sanat Kumar Biswas
..for the State

Mr. Gausul Alam
..for the respondent nos. 9 to 13

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

The petitioner claims to be the owner of a portion of Plot No. 149/1147 within Mouza Mridadpur, J.L. N0. 14 under Police Station Raninagar in the District of Murshidabad. The petitioner states that a PWD road is running adjacent to the aforesaid property of the petitioner. The petitioner alleges that the private respondents have raised a construction by encroaching upon a portion of the PWD road just in front of the aforesaid property of the petitioner thereby causing obstruction to 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, Public Work Directorate (Roads), Islampur dated 31st December, 2025.

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 to remove the encroachment from the PWD road.

The learned advocate appearing for the private respondents denies the allegation made by the petitioner.

The learned advocate appearing for the State submits that steps in accordance with law shall be taken if an encroachment upon the PWD road is found.

Since an allegation of encroachment upon the PWD road has been made, it is the duty of the respondent authority to enquire into the matter and to take steps in accordance with law if any encroachment upon the PWD road is found.

In the light of the submissions made by the learned advocates for the respective parties, WPA 2154 of 2026 stands disposed of by directing the Assistant Engineer, Public Work Directorate (Roads), Islampur being the 5th respondent to consider the representation of the petitioner dated 31st December, 2025 and after making necessary enquiries and demarcation through competent Amins/surveyors upon prior service of notice to the petitioner, the private respondents and any other person, who may be affected by such demarcation, and if upon such demarcation and inspection any encroachment upon the PWD road is found, necessary proceeding in accordance with the relevant statute shall be initiated and

the entire exercise under the said provision shall be completed by the 5th respondent as expeditiously as possible but positively within a period of eight weeks from the receipt of a server copy of this order along with a copy of the representation dated 31st December, 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.)