

Sl.43
16.02.2026
Court No.19
BP

WPA 3051 of 2026

Sk. Mir Mahammad
-versus-
The State of West Bengal and others

Mr. Sarbananda Sanyal
Mr. Samrat Chakraborty
..for the petitioner

Mr. Vivekananda Tripathy
Ms. Kakali Pal
..for the State

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

Mr. Sanyal, learned advocate appearing for the petitioner submits that the affidavit of service is ready but the same is yet to be affirmed. He prays for leave to file affidavit of service in course of this day.

On a query of the Court Mr. Sanyal submits that the private respondents have been duly served. In spite of service none appears for the private respondents.

Leave is granted to the learned advocate for the petitioner to file the affidavit of service in course of this day.

The petitioner claims to be the owner of Dag Nos. 2742, 2746 and 2750 within Muza Sudpur, J.L. No.30 in the District of Purba Bardhaman. The petitioner states that the PWD road over plot no. 2737 running from Katwa to Karui (Kalna) is situated just adjacent to the property of the petitioner being Dag No. 2742. The petitioner alleged that the private respondents herein have raised

unauthorised construction by encroaching upon the PWD road thereby causing obstruction to the ingress and egress of the petitioner from his property to the PWD road. The petitioner claims to have submitted a representation before Assistant Engineer, Public Works Department (Roads), Burdwan Highway Division being the 3rd respondent requesting the authorities to remove the illegal construction from the PWD road.

Mr. Sanyal, 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 till date.

The learned advocate appearing for the State submits that necessary steps in accordance with law shall be taken if any 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 authorities to consider the same and take necessary steps in accordance with law if an encroachment upon the PWD road is found.

In the light of the submissions made by the learned advocates for the respective parties and without entering into the merits of the claim made by the petitioner in the representation dated 14th November, 2025, WPA 3051 of 2026 stands disposed of by directing the Assistant Engineer, Public Works Department (Roads), Burdwan

Highway Division-III being the 3rd respondent to consider the representation of the petitioner dated 14th November, 2025 and after causing necessary enquiries and demarcation through competent officials, if any encroachment upon the PWD road is found, necessary proceeding in accordance with law shall be initiated and the same should be taken to its logical end as expeditiously as possible but positively within a period of eight weeks from the date of receipt of a server copy of this order together with a copy of the representation dated 14th November, 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.)