

Sl.8
07.04.2026
Court No.19
BP

WPA 6094 of 2026

Tajmat Mondal
-versus-
The State of West Bengal & Ors.

Mr. Md. Harun- ALL- Rashid
Mr. Md. Mojnu Sk
Mr. Sk. Morshed Ali
..for the petitioner

Mr. Asraf Mondal
..for the private respondents

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

In spite of service none appears for the State.

The private respondent is represented by its
learned advocate.

The petitioner claims to be the owner of a plot
of land being Dag No. 6651 within Mouza Madhupur, J.L.
No. 18 under Police Station Nowda in the District of
Murshidabad. The petitioner claims to be residing on the
said plot of land upon construction of a dwelling house
thereupon. The petitioner alleges that the private
respondents herein have raised an unauthorised
construction by encroaching upon a portion of Amtala to
Hariharpara PWD road running adjacent to 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 learned advocate appearing for the private respondents submits that the private respondent are the recorded owner of the plot of land being Dag No. 6650 which is adjacent to the property of the petitioner. He further submits that the private respondents have raised construction on their raiyati property being Dag No. 6650 and have not encroached upon any portion of the PWD road.

Since an allegation of encroachment upon the PWD road has been made, such issue cannot be decided by this Court at this stage as an adjudication on facts is to be made. Since an allegation of encroachment has been made it is the duty of the respondent authorities to take steps in accordance with law if any encroachment upon the PWD road is found.

Without going into the merits of the claims and counter claims of the respective parties, WPA 6094 of 2026 stands disposed of by directing the Assistant Engineer, Public Works Department, Murshidabad Division being the 5th respondent to consider the representation of the petitioner dated 16th February, 2026 and after causing 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 upon such demarcation, if any encroachment upon the PWD road is found necessary

proceeding in accordance with the relevant statute shall be initiated and the entire exercise shall be completed as expeditiously as possible but positively within a period of four months from the receipt of a server copy of this order along with a copy of the representation dated 16th February, 2026.

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.)