

D/L- 17
16/06/2026
Ct. No.-19
Aritra

WPA 12339 of 2026
Bidyut Baran Saha & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Prosenjit Mukherjee
Mr. Saptarshi Chakraborty

....for the petitioners

Mr. Nilanjan Bhattacharyya, S.S.C.,
Ms. Jayita Dhar Chakraborty
Mr. Rhitam Chatterjee

....for the State

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

The petitioners claim to be the owner of a plot of land being L.R. Plot No.10353 measuring about 20 decimals within Mouza-Maniknagar, J.L. No.54 under Police Station-Beldanga in the District of Murshidabad. The petitioners state that a PWD road, namely, Beldanga-Amtala Road running adjacent to the aforesaid property of the petitioners.

The petitioners allege that the private respondents have raised a construction by encroaching upon the PWD road thereby causing obstruction to the ingress and egress of the petitioners from his property to the PWD road.

The petitioners submitted a representation before the Executive Engineer, Public Works Department (Roads), Murshidabad Highway Division No.I by a letter which was received by the Office of the said respondent on February 16, 2026.

The learned advocate appearing for the petitioners submits that in spite of receipt of such representation, no steps have been taken by the respondent authority to remove the encroachment from the PWD road.

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.

None appears for the private respondents in spite of service.

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 steps in accordance with law if any encroachment upon the PWD road is found.

In the light of the submission made by the learned advocates for the respective parties, WPA 12339 of 2026 stands disposed of by directing the Executive Engineer, Public Works Department (Roads), Murshidabad Division, being the respondent no.3 to forward a copy of the representation, which was received by his Office on February 16, 2026 to the Assistant Engineer, Murshidabad Highway Division-I, Public Works (Roads) Directorate, being the respondent no.3A, who shall upon receipt of the same consider the representation dated February 16, 2026 and after causing necessary enquiries and demarcation by engaging competent Amins/Surveyors upon prior service of notice to the petitioners, the private

respondents and any other persons, who may be affected by such demarcation and upon such demarcation if it is found that there has been any encroachment upon the PWD road, necessary proceedings in accordance with the relevant provisions of the statute for removal of encroachment shall be initiated and the entire exercise shall be completed as expeditiously as possible but positively within a period of 12 weeks from the date of receipt of a server copy of this order along with a copy of the representation dated February 16, 2026.

Needless to mention that if the said authority arrives at a conclusion that there has been no encroachment upon the PWD road, such decision shall also be communicated to the petitioners and others within the time limit as mentioned hereinbefore.

There will be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Hiranmay Bhattacharyya, J.)