

A. 19
02.03.2026
Court No.19
BP

WPA 14121 of 2025

Asgar Sk.
-versus-
The State of West Bengal and others

Mr. Abdur Rakib
Mr. Biswajit Sarkar
..for the petitioner

Mr. Omar Faruk Gazi
Mr. Md. Muslehuddin
..for the private respondent

Ms. Rika Das
..for the State

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

The petitioner claims to be the owner of Plot No. 1362, Khatian No. 2304 within Mouza Suki, J.L. No. 39 under Police Station Nabagram in the District of Murshidabad. The petitioner states that there is a PWD road running adjacent to the aforesaid property of the petitioner. The petitioner alleges that the private respondent has raised a construction by illegally encroaching upon the PWD road 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 respondent submits that the private respondent is the owner of Plot No. 1363 under Khatian no. 1746 measuring about two decimals in the said mouza. He submits that the private raised has raised a construction

upon his raiyati property and has not encroached upon any portion of the PWD road. He further submits that the ingress and egress of the petitioner from his property to the PWD road has also not been obstructed by the private respondent.

Heard the learned advocate for the State.

The petitioner submitted a representation dated 10th March, 2025 requesting various authorities to take steps for removal of an unauthorised construction from the PWD road.

Since an allegation of an unauthorised encroachment upon the PWD road has been made, it is the duty of the respondent authority to consider the said representation 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 14121 of 2025 stands disposed of by directing the Assistant Engineer, Public Work Department, Berhampore, Murshidabad being the 6th respondent to consider the representation of the petitioner dated 10th March, 2025 and after causing necessary enquiries and demarcation through competent officials/Amins upon prior service of notice to the petitioner, the private respondent and any other person who may be affected thereupon, if any encroachment upon the PWD road is found an appropriate proceeding under the West Bengal Highways Act, 1964 shall be

initiated 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 receipt of a server copy of this order along with a copy of the representation dated 10th March, 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.)