

Item-
ML-
151

Ct. 19

sg

WPA 16342 of 2025

Habibur Rahaman & Ors.
Versus
State of West Bengal & Ors.

Mr. Tarak Nath Sarkar
...for the petitioners
Sk. Md. Galib
Ms. Priyamvada Singh
...for the State

Affidavit of service filed in Court is taken on record.

The learned Advocate appearing for the petitioners submits that the private respondents have been duly served.

However, in spite of service none appears on behalf of the private respondents.

The petitioners claim to be the lawful owners of LR plot no. 1739, within Mouza Keshpur, in the district of Paschim Medinipur. The petitioners state that a PWD Road is running adjacent to the aforesaid property of the petitioners. The petitioners allege that the private respondents have raised an unauthorized construction by encroaching upon the PWD road thereby causing obstruction to the ingress and egress of the petitioners from their property to the PWD road. The petitioners submitted a representation dated 14th June, 2025 before respondent authorities requesting them to remove the unauthorized encroachment upon the PWD road.

The learned Counsel appearing for the petitioners 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 till date.

Learned Counsel appearing for the respondents submits necessary steps in accordance with law shall be taken if any encroachment upon the PWD road is found.

Since a representation alleging encroachment upon the PWD road has been made, it is the duty of the respondent authorities to take necessary 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 and without entering into the merits of the claim made by the petitioners in the presentation dated 14th June, 2025, WPA 16342 of 2025, stands disposed of by directing the Assistant Engineer, Medinipur to Chandrakona Highway, Sub Division PWD (Roads) Directorate, Paschim Medinipur, being the respondent no.8, to consider the representation of the petitioner dated 14th June, 2025 and after conducting necessary enquiries and demarcation of the plot in question through competent Amins/Surveyors, upon prior notice to the petitioners, private respondents and any other party/parties who may be affected, if any encroachment upon the PWD road is found, necessary proceeding in accordance relevant provisions of the West Bengal Highways Act, 1964 shall be initiated and the entire exercise under the said statute 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 14th June, 2025.

Needless to mention that if it is found that there has

been no encroachment upon the PWD road, such decision shall also be communicated by the 8th respondent to the petitioners within the time limit as indicated hereinbefore.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Hiranmay Bhattacharyya, J.)