

Item-
ML-
49.

Ct. 19

sg

WPA 18007 of 2025

Prashanta Mandal & Anr.
Versus
State of West Bengal & Ors.

Mr. Ramdulal Manna
Ms. Manju Manna
Mr. Sayan Mukherjee
...for the petitioners
Mr. Chandi Charan De, AGP
Mr. Ayan Banerjee
...for the State
Mr. Dyutiman Banerjee
Mr. Debjit Dutta
...for the private respondent

The affidavit of service filed in Court is taken on record.

The petitioners claim to be the recorded owners of LR Dag No. 265, within Mouza Digha, under Police Station Bhagwangola, in the District of Murshidabad. The petitioners allege that the private respondents have raised an illegal construction on the nayanjali, being plot no. 265 which belongs to the Public Works Department of the State of West Bengal. The petitioners state that the said nayanjali is situated between the PWD road and the property of the petitoiners. The petitioners submitted a representation which was received by the office of the Assistant Engineer, Lalbagh Sub-Division on 28th July, 2025.

The learned Advocate 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 PWD land.

The learned Advocate for the private respondents submits that the private respondents have filed a writ petition

praying for removal of the encroachment made by the husband of the petitioner no.2 from the PWD road. He submits that pursuant to the order passed by this Court in the said writ petition, a demolition order has been passed. He further submits that the instant writ petition is a counter-blast of the writ petition filed by the private respondents against the husband of the petitioner no.2.

Mr. De, learned Additional Government Pleader, submits that necessary steps in accordance with law shall be taken if any encroachment upon the PWD road/land is found.

Without entering into the merits of the claim made in the representation received by the office of the jurisdictional Assistant Engineer and in the light of the submissions made by the learned Advocates for the respective parties, this writ petition stands disposed of by directing the jurisdictional Assistant Engineer, Lalbagh Sub-Division, being the fourth respondent, to consider the representation of the petitioners dated 28th July, 2025 and after causing necessary enquiries and demarcation of the plot in question, through competent Amin/Surveyor, upon prior service of notice to the petitioners, private respondents and any other party/parties who may be affected by such demarcation and if any encroachment upon the PWD road/land is found, necessary proceeding in accordance with law shall be initiated and the entire exercise under the said provision 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 28th July, 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 fourth respondent to the petitioners and others 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.)