

Sl. 97
11.06.2026
Court No.19
BP

WPA 18602 of 2025

Ferdausi Bibi @ Begum
-versus-
The State of West Bengal & Ors.

Mr. Md. Habibur Rahaman
Mr. Md. Ali Ahasan
..for the petitioner

Mr. Nilanjan Bhattacharjee, Sr. Standing Counsel
Ms. Jayita Dhar Chakraborty
..for the State

Mr. Usof Ali Dewan
Mr. Asif Dewan
Mr. Mehedi Masud
..for the respondent
nos.10 to 11

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

The petitioner claims to be the owner of a plot of land being Plot No. 780 within Mouza Jarur, J.L. No. 110 under Police Station Raghunathganj in the District of Murshidabad. The petitioner states that the land belonging to the Public Works Department of the Government of West Bengal is lying adjacent to the aforesaid property of the petitioner. The petitioner alleges that the private respondent have raised an unauthorised construction by encroaching upon the PWD road thereby causing obstruction to the ingress and egress of the petitioner from his property to the PWD road. The petitioner submitted a

representation dated 6th February, 2025 before various authorities including the Assistant Engineer, Jangipur Highway Sub-Division, Public Works Department (Roads).

The learned advocate appearing for the petitioner submits that in spite of receipt of such representation no steps have been taken by the respondent authorities till date.

Mr. Usaf Ali Dewan, learned advocate appearing for the private respondents submits that the petitioner is carrying on business by erecting temporary structures since 2005 after obtaining necessary permission from the concerned gram panchayat authorities. The petitioner also claims to have obtained loan from the financial institutions for running the business.

He however denies the allegation made by the petitioner.

Mr. Bhattacharjee, learned senior standing counsel submits that necessary steps in accordance with law shall be taken if any encroachment upon the PWD road is found.

In the light of the submissions made by the learned advocate for the respective parties and without entering into the merits of the claim made by the petitioner in the representation dated 6th February, 2025, WPA 18602 of 2025 stands disposed of by directing the Assistant Engineer, Jangipur Highway Sub-Division Public Works (Roads) Directorate being the 5th respondent to consider

the representation of the petitioner dated 6th February, 2025 and after causing necessary enquiries and demarcation by engaging 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 it is found that any portion of the PWD road has been encroached upon, necessary proceeding in accordance with the provisions of the West Bengal Highways Act, 1964 shall be initiated and the entire exercise shall be completed as expeditiously as possible but positively within a period of ten weeks from the receipt of a server copy of this order along with the copy of the representation dated 6th February, 2025.

Needless to mention that if the authorities arrive at a conclusion that there has been no encroachment upon the PWD road such decision shall also be communicated to the petitioner and others within the aforesaid time limit.

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.)