

01.04.2026
Item No.25
Ct. No. 1
RP

WPA(P) 345 OF 2025
Ambar Ali Molla & Anr.
VS
The State of West Bengal & Ors.

Mr. Lakshminath Bhattacharya
Mr. Subhankar Bose
Mr. Arpan Kumar Bairagi
...For Petitioner

Mr. Amitava Choudhuri
Mr. Dipankar Dasgupta
....For State

DICTATED BY PARTHA SARATHI SEN, J.:

1. The writ petitioners and the respondent/State are represented by their respective learned counsels.
2. None appears on behalf of the private respondent no.12 though on the last occasion i.e. on 3.11.2025 the respondent no.12 was represented through his learned advocate.
3. Liberty is given to the learned Advocate-on-Record of the writ petitioners to correct the serial number of the respondents in the cause title in respect of Officer-in-Charge, Kultali Police

Station by removing the figure 9 and by inserting 9A in its place. Necessary correction in this regard is to be carried out positively in course of this day in Court.

4. Let the report of the Assistant Engineer, Lakshmikantapur Highway Sub-Division, Public Works (Road) Directorate as filed today on behalf of the respondent/State be taken on record, a copy of which has already been served on the learned advocate for the petitioner.
5. On perusal of the said report it reveals that pursuant to the earlier direction passed by this Court the said Assistant Engineer i.e. the respondent no.9 herein ascertained that the private respondent no.12 has raised unauthorized construction over a PWD land. Accordingly, a notice under Section 10(1) of the West Bengal Highways Act, 1964 (hereinafter

referred to as the said “Act”) has been served upon the respondent no.12 directing him to remove the unauthorized construction within fifteen working days from the date of issuance of the said notice. It further reveals from the said report that such notice was duly served upon the respondent no.12.

6. Such being the position, we direct the respondent no.9 authority to take appropriate action in terms of Section 10(2) of the said Act for removal of the encroachment as made by the private respondent no.12, if not removed in the meantime.

7. We further direct the respondent no.7 authority to act in accordance with law in the event an application is filed by the respondent no.9 authority under Section 10(2) of the said Act before him for removal of encroachment as made by the respondent no.12 in the event,

the private respondent no.12 fails to comply with the requisition of the notice dated 10.11.2025.

8. The entire exercise as indicated above in the foregoing paragraph shall have to be completed within 60 working days from the date of communication of the server copy of this order both by the respondent no.9 and 7 authority.

9. The time limit as fixed by this Court is peremptory and mandatory.

10. Liberty is given to the learned advocate-on-record of the petitioners to communicate the server copy of this order to the respondent no.9 authority, who is directed to act upon the server copy of this order.

11. With the aforementioned observations, this writ petition is disposed of.

(SUJOY PAUL, CJ.)

(PARTHA SARATHI SEN, J.)