

Item-
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197.

Ct. 19

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WPA 20336 of 2025

Md. Ilias Mohha
Versus
State of West Bengal & Ors.

Mr. Md. Yusuf Ali
...for the petitioner
Mr. Swapan Kr. Banerjee
Ms. Rajlakshmi Ghatak
...for the State

Affidavit of service filed in Court is taken on record.

The learned Counsel appearing for the petitioner submits that the private respondents have been duly served.

In spite of service, none appears for the private respondents.

The petitioner claims to be the owner of several plots of land within Mouza Beldanga, in the District of Murshidabad. The petitioner states that Beldang-Amtala PWD Road runs on the northern side of the property of the petitioner. The petitioner alleges that the private respondent has raised an unauthorized construction by encroaching upon the PWD road thereby causing obstruction to the ingress and egress of the petitioner from their property to the PWD road. The petitioner submitted a representation dated May 26, 2025 before the Assistant Engineer, Public Works (Roads) Directorate, Berhampore Highway Sub-Division.

The learned Counsel appearing for the petitioner 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.

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.

Without entering into the merits of the claim made in the representation dated May 26, 2025, WPA 20336 of 2025, stands disposed of by directing the Assistant Engineer, Public Works (Roads) Directorate, Berhampore Highway Sub-Division, being the fourth respondent, to consider the representation of the petitioner dated May 26, 2025 and after conducting necessary enquiries and demarcation of the plot in question, upon prior notice to the petitioner, private respondents and any other party/parties who may be affected and if any encroachment upon the PWD road is found, necessary proceeding in accordance with provisions of Section 10 of the National 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 date of receipt of a server copy of this order along with a copy of the representation dated May 26, 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 petitioner 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.)