

Item-
ML-
196.

Ct. 19

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WPA 20303 of 2025

Golam Murtozza & Anr.
Versus
State of West Bengal & Ors.

Mr. Md. Yusuf Ali
...for the petitioners

Affidavit of service filed in Court is taken on record.

The learned Counsel appearing for the petitioners submits that the respondent authorities have been duly served.

In spite of service, none appears for the State as well as the private respondent.

The petitioners claim to be the owners of several plots of land within Mouza Beldanga, in the District of Murshidabad. The petitioners state that Beldang-Amtala PWD Road runs on the northern side of the property of the petitioners. The petitioners allege 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 petitioners from their property to the PWD road. The petitioners submitted a representation dated July 2, 2025 before the Assistant Engineer, Public Works (Roads) Directorate, Berhampore Highway Sub-Division.

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.

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 July 2, 2025, WPA 20303 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 petitioners dated July 2, 2025 and after conducting necessary enquiries and demarcation of the plot in question, upon prior notice to the petitioners, private respondent 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 July 2, 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 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.)