

D/L- 26
06/01/2026
Ct. No.-19
Aritra

WPA 23679 of 2025

**Akkas Ali Mondal & Anr.
Vs.
The State of West Bengal & Ors.**

Mr. Atis Kumar Biswas
Ms. Mita Biswas
Mr. Amit Singh
Ms. Jyoti Agarwal

....for the petitioners

Mr. Wasim Ahmed
Mr. Aviroop Mondal

....for the State

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

The petitioners claim to be the owners of Dag No.7942/11785 under Khatian No.24310, J.L. No.18, Police Station-Nowda in the District of Murshidabad.

The petitioners state that there is a PWD road just adjacent to the property of the petitioner and the private respondents have raised construction by encroaching upon the PWD road. The petitioners submitted a representation dated September 9, 2025 before various authorities including the Assistant Engineer, Public Works (Road) Directorate, Murshidabad Highway Division-I.

The learned advocate appearing for the petitioners submits that in spite of receipt of such representation, no steps have been taken by such authority.

The learned advocate for the State submits that since an allegation of illegal encroachment has been made,

steps in accordance with law shall be taken by the respondent authority within the time limit that may be fixed by this Court.

Since an allegation of encroachment upon the PWD road is made it is the duty of the respondent authority to take necessary steps for removal of encroachment, if any, upon the PWD road.

In the light of the submissions made by the learned advocate for the respective parties, WPA 23679 of 2025 stands disposed of by directing the Assistant Engineer, Public Works (Road) Directorate, Murshidabad Highway Division-I, being the respondent No.6 to consider the representation of the petitioners dated September 9, 2025 and after making necessary enquiries and demarcation, if any encroachment upon the PWD road is found, necessary steps in accordance with Section 10 of the Highways Act, 1964 shall be taken by the concerned authority and the entire exercise under the said provision shall be completed as expeditiously as possible but positively within a period of 6 weeks from the date of receipt of a server copy of this order along with a copy of the representation dated September 9, 2025.

Needless to mention that in the case the State-respondent is of the view that there is no encroachment upon the PWD road such decision shall be communicated to the petitioner within the time limit mentioned hereinabove.

There will be no order as to costs.

All parties shall act on the server copy of this order
duly downloaded from the official website of this Court.

(Hiranmay Bhattacharyya, J.)