

Sl.43
02.01.2026
Court No.19
BP

WPA 24560 of 2025

Abani Bhusan Raha
Vs.
The State of West Bengal & Ors.

Mr. Subhasish Mukhopadhyay
..for the petitioner

Mr. Saurav Chaudhuri
Ms. Sahina Sumi
..for the State

Mr. Kiron Sk.
Mr. Sayed Hossain
..for the private respondents

The petitioner claims to be the owner of plot of land being L.R. Dag No. 200 within Mouza Janmahammadpur under Police Station Berhampore Town in the District of Murshidabad. The petitioner states that on the northern side of the said property there is a PWD road running from Chunakhali to Jalangi. The petitioner alleges that the private respondents have constructed a structure by encroaching upon the PWD road in front of the property of the petitioner thereby obstructing the ingress and egress of the petitioner from his property to the PWD road. The petitioner submitted a representation before various authorities including the Assistant Engineer (P.W.D.) (Roads), Berhampore Sub-Division No-III.

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

The learned advocate appearing for the private respondents submits that there is no PWD road on the northern side of the property of the petitioner and the land belongs to the Zilla Parishad.

The learned advocate appearing for the State submits the report of the Assistant Engineer (PWD) (Roads) Berhampore Sub-Division No.III dated November 12, 2025 along with a bunch of documents. From the said report it appears that the Assistant Engineer (PWD) by a letter under Memo No. 746 dated October 16, 2025 requested the Block Land and Land Reforms Officer, Berhampore Block to demarcate the PWD land in front of L.R. Plot No. 200 and to draw a sketch map showing the portion of the land under possession or acquisition of PWD along with demarcation of the same on site.

The learned advocate appearing for the State submits that some time may be allowed to complete the work of demarcation.

Since an allegation of encroachment of a PWD road has been made, it is the duty of the respondent authorities to take steps in accordance with law in case there is any encroachment upon the PWD road.

In the light of the submissions made by the learned advocates for the respective parties, WPA 24560 of 2025 stands disposed of with the following directions:

1. The Block Land and Land Reforms Officer, Berhampore Block being the 5th respondent is

directed to carry out the work of demarcation as directed by the Memo No. 746 dated 16th October, 2025 and to complete the work of demarcation by engaging competent Amins/Surveyors, prepare a sketch map and a report of such demarcation.

2. The work of demarcation shall be carried out after serving notice to the petitioner and the private respondents and the report along with the sketch map and other documents shall also be supplied to the petitioner and the private respondents. The report and the sketch map shall also be forwarded to the Assistant Engineer, P.W.D. (Roads) Berhampore Sub-Division No.-III being the 6th respondent, the petitioner and the private respondents within a period of six weeks from the date of receipt of a server copy of this order.
3. Upon receipt of such report, if any encroachment is found, the Assistant Engineer, P.W.D. (Roads), Berhampore Sub-Division No.-III being the 6th respondent shall take necessary steps in accordance with the provisions of Section 10 of the West Bengal Highways Act, 1964 and to conclude the entire proceedings in accordance with the

said provision as expeditiously as possible but positively within a period of four weeks from the date of receipt of a copy of the report from the concerned Block Land and Land Reforms Officer.

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.)