

D/L- 18
25/02/2026
Ct. No.-19
Aritra

WPA 26150 of 2025

**Abdul Hai
Vs.
The State of West Bengal & Ors.**

Mr. Partha Pratim Roy
Mr. Sarbananda Sanyal
Mr. Samrat Chakraborty
Mr. Saikat Gayen

....for the petitioner

Mr. Lalit Mohan Mahata, AGP
Mr. Prasanta Behari Mahata

....for the State

Mr. Atarul Haque
Mr. R. Mustafi

....for the private respondents

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

The petitioner alleges that the private respondents have constructed a shop room by encroaching upon Akheriganj to Katlamari road. The petitioner submitted a representation before the Assistant Engineer, Public Works Department (Roads), Berhampore Division-I dated October 31, 2025.

The learned advocate appearing for the private respondents denies the allegation made in the writ petition. He submits that he has purchased the shop room from the lawful owner upon payment of valuable consideration. He submits that the private respondents have not carried out any construction work recently. He

further submits that the shop room does not encroach upon any portion of the said road.

Pursuant to the order dated November 25, 2025, Mr. Mahata, learned Additional Government Pleader files a report of the Executive Engineer, Murshidabad Highway Division-I, Public Works (Roads) Directorate. The Executive Engineer in his report dated December 2, 2025 has specifically stated that the road adjacent to Plot Nos.290, 291 and 292 of Bebaipur Mouza under Police Station-Ranitala, Block-Bhagabangola-II, Murshidabad, does not fall under the jurisdiction of Murshidabad Highway Division-I, Public Works (Roads) Directorate.

A copy of the memo issued by the Assistant Engineer, Islampur Highway Sub-Division, Public Works (Roads) Directorate dated November 12, 2025 and addressed to the Executive Engineer, Murshidabad Highway Division-I, Public Works (Roads) Directorate specifically states that the road beside the plot in question is not under the jurisdiction of Islampur Highway Sub-Division and the said road is currently being maintained by the Murshidabad Zilla Parishad.

Faced with such situation, Mr. Sanyal, learned advocate for the petitioner prays for leave to file a comprehensive representation before the appropriate authority praying for removal of encroachment from the aforesaid road.

In the light of the submissions made by the learned advocate for the respective parties and without entering into the merits of the claim made by the petitioner in this writ petition, WPA 26150 of 2025 stands disposed of by giving liberty to the petitioner to submit a comprehensive representation before the appropriate authority praying for removal of encroachment from Akheriganj to Katlamari road.

If such a representation is made, such authority shall consider the same and dispose of as expeditiously as possible but positively within a period of 8 weeks from the date of receipt of a copy of the representation along with a server copy of this order.

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.)