

Item-
ML-
41.

Ct. 19

sg

WPA 27782 of 2025

Basiruddin Ahammed & Anr.
Versus
The State of West Bengal & Ors.

Mr. Ziaul Haque
Mr. Himadri Kumar Mahata
...for the petitioners

The petitioners claim to be the owner of a plot of land being No. 1337, JL No. 44, within Mouza Kharba, under Police Station Chanchal, in the District of Malda. The petitioners state that a PWD road is running adjacent to the aforesaid property of the petitioners. The petitioners further submit that the private respondents herein have made an illegal 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 9th September, 2025 before the Assistant Engineer, Chanchal Highway Sub-Division, Public Works (Roads) Directorate, being the respondent no.2.

The learned Counsel for the petitioners submits that the in spite of receipt of such representation, no steps have been taken by the respondent authorities till date.

Since the allegation of encroachment has been made, it is the duty of the respondent authorities to take step in accordance with law.

In the light of the submissions made by the respective parties, WPA 27782 of 2025, stands disposed of by directing the Assistant Engineer, Chanchal Highway Sub-

Division, Public Works (Roads) Directorate, Malda, being the second respondent, to consider the representation of the petitioner dated 9th September, 2025 and after making necessary enquiries and demarcation, if any encroachment upon the PWD road is found, necessary steps 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 9th September, 2025.

In case it is found that there has been no encroachment upon the PWD road, such decision shall also be communicated by the third respondent to the petitioners within the time limit as indicated hereinbefore.

It is made clear that this Court has not entered into the merits of the claim made in this writ petition.

The petitioners are directed to communicate this order to the respondent authorities and the private respondents.

The writ petition is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Hiranmay Bhattacharyya, J.)

