

M/L- 10
02/02/2026
Ct. No.-19
Aritra

WPA 28059 of 2025

**Mansur Rahaman & Anr.
Vs.
The State of West Bengal & Ors.**

Mr. Rudranil De
Mr. Soumo Charan

....for the petitioners

Mr. Lalit Mohan Mahata, AGP
Mr. Himadri Kumar Mahata

....for the State

Mr. Arindam Chattopadhyay
Ms. Lipika Chatterjee
Mr. Soumik Dey
Mr. Subir Debnath

....for the respondent Nos.7 to 10

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

The petitioners claim to be the recorded owners of L.R. Plot No.3353 and R.S. Plot NO.2145/5457 within Mouza-Kuli under Police Station-Farakka in the District of Murshidabad.

The petitioners allege that the plot of land in front of the aforesaid property of the petitioners have been acquired for the purpose of construction of PWD road.

The learned advocate appearing for the petitioners submits that the private respondents have raised an unauthorised construction by encroaching upon the PWD road thereby obstructing the petitioners' access to his property. He submits that the petitioners have submitted representation before various authorities before the

Assistant Engineer, Raghunathganj Highway Sub-Division, Public Works (Road) Directorate on September 10, 2025, requesting the said respondent to remove the illegal encroachment upon the PWD road.

The learned advocate appearing for the petitioners submits that the respondent No.11 has died after the filing of the writ petition. He submits on instruction that the petitioners do not want to proceed against the heirs of the respondent No.11 in this writ petition. Such submission is placed on record.

The learned advocate appearing for the private respondents submits that the plot of land being Dag No.3361 has been recorded in the name of the predecessor-in-interest of the private respondents in the Record of Rights. He further submits that the private respondents have raised construction on their Raiyat property and have not encroached upon any portion of the PWD road.

Mr. Mahata, learned Additional Government Pleader submits that initially a proceeding was initiated under Section 145 of the Criminal Procedure Code, directing removal of certain encroachments. However, such order was subsequently set aside by the learned Additional District & Sessions Judge, 2nd Court at Jangipur, Murshidabad. He further submits that since an allegation of encroachment has been made, the authorities will

consider the same and take steps for removal of encroachment, if any, upon the PWD road.

Since an allegation of encroachment upon the PWD road is made, it is the duty of the respondent authorities to take steps in accordance with law, if any encroachment upon the PWD road is found.

Without entering into the merits of the claim made by the petitioners in the representation dated September 10, 2025, WPA 28059 of 2025 stands disposed of by directing the Assistant Engineer, Raghunathganj Highway Sub-Division, being the respondent No.2 to consider the representation of the petitioners dated September 10, 2025 and after making necessary enquiries and demarcation through competent officials, if any encroachment upon the PWD road is found, necessary proceeding under Section 10 of the West Bengal Highways Act shall be initiated and the entire exercise under the said provision shall be completed as expeditiously as possible but positively within a period of 8 weeks from date of receipt of server copy of this order along with a copy of the representation dated September 10, 2025.

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.)