

Item-
3. 07-01-2026

WPA 28810 of 2025

sg Ct. 19

Habibur Rahaman Shah
Versus
State of West Bengal & Ors.

Mr. Mobaidur Hossain

...for the petitioner

Md. Farhaduddin

Mr. Uttam Kr. De

... for the State

Mr. Pritam Banerjee

...for the respondent nos.9&10

Affidavit of service filed in Court is taken on record.

The petitioner claims to be owner of a plot of land measuring about 2 decimals in LR Dag no. 2150 within Mouza Raipur, under Police Station Nowda in the District of Murshidabad. The petitioner claims that adjacent to the said land, there is PWD road from Amtala to Kallyanpur. The petitioner alleges that the private respondents have constructed a pucca structure by encroaching upon the PWD road in front of the petitioner's land thereby causing obstruction to the ingress and egress of the petitioner's land. The petitioner submitted a representation dated October 28, 2025 before the various authorities including Assistant Engineer, Berhampore Highway Sub-Division, Public Works (Roads) Directorate, Murshidabad. The petitioner further alleges that a portion of the PWD road in front of LR Dag no. 2150 is being encroached upon.

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

The learned Advocate appearing for the private respondents disputes that the petitioner is having a residential house behind the construction made by the private respondents. He further submits that LR Dag no. 2150 is a Dova and the private respondents and the petitioner are the co-sharers of the said property.

The learned Advocate appearing for the State files a report of the Sub-Inspector of Police, Murshidabad Police District dated 5th January, 2026, which is taken on record.

The said report specifically states that the police authorities are keeping a sharp vigil in the locality in order to prevent any untoward incidents.

Since an allegation of encroachment has been made, it is the duty of the respondent authorities to consider such allegation and to take necessary steps in the event it is found that the PWD road or any portion thereof has been encroached.

In the light of the submissions made by the respective parties, without entering into the merits of the claim made by the petitioner in the representation dated October 28, 2025, the writ petition being, WPA 28810 of 2025, stands disposed of by directing the Assistant Engineer, Berhampore Highway Sub-Division, Public Works (Roads) Directorate, Murshidabad, being the sixth respondent, to consider the representation of the petitioner dated October 28, 2025 and after making necessary enquiries and demarcation of the plot in question, 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 six weeks from the date of receipt of a server copy of this order along with a copy of the representation dated October 28, 2025.

Needless to mention that if it is found that there has been no encroachment upon the PWD road, such decision shall also be communicated by the sixth respondent to the petitioner within the time limit as indicated hereinbefore.

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

(Hiranmay Bhattacharyya, J.)