

D/L- 19
02/01/2026
Ct. No.-19
Aritra

WPA 29059 of 2025

**Md. Aslam Mistry & Anr.
Vs.
The State of West Bengal & Ors.**

Mr. Subhas Chandra Dutta

....for the petitioners

Mr. Snehansu Majumder

....for the respondent Nos.8 to 10

Mr. Chandi Charan De, AGP

Ms. Chandana Ghosh

....for the State

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

The petitioners claim to be the owner of L.R. Plot No.1897 within Mouza-Chandpur, P.S.-Nowda in the District of Murshidabad. The petitioners state that in front of the aforesaid land there is a State Highway which passes from Berhampore to Chandpur. The petitioners allege that the private respondents have made unauthorised construction by encroaching upon the PWD road thereby obstructing ingress and egress of the petitioner from his property to the PWD road.

The petitioner submitted a representation dated November 20, 2025 before the Assistant Engineer, Murshidabad Highway Division-I, Public Works (Roads), Directorate.

The learned advocate appearing for the petitioners submits that in spite of receipt of such representation, no steps have been taken by the respondent authority.

The learned advocate appearing for the private respondents submits that the petitioners have also constructed structures by encroaching upon the PWD road. He submits that the encroachment made by the petitioners should also be removed from the PWD road.

Mr. De, learned Additional Government Pleader submits that the concerned respondent authority shall consider the representation of the petitioner dated November 20, 2025 and make necessary enquiries as to whether any portion of the PWD road has been encroached upon and if upon making such enquiry it is found that any portion of the PWD road has been encroached, steps in accordance with the West Bengal Highways Act, 1964 shall be taken.

In the light of the submissions made by the learned advocates for the respective parties, WPA 29059 of 2025 stands disposed of by directing the Assistant Engineer, Berhampore Highway Sub-Division, Public Works (Roads), Directorate, being the respondent No.3 to consider the representation of the petitioners dated November 20, 2025 and after make necessary enquiries and demarcation of the PWD road in front of the property of the petitioners if any portion of the PWD road is found to have been encroached either by the petitioner or the private

respondents or any other person, steps in accordance with the Section 10 of the West Bengal State Highways Act, 1964 shall be taken and entire exercise under the said provision shall be completed as expeditiously as possible but positively within a period of 6 weeks from the date of receipt of a server copy of this order along with the copy of the representation dated November 20, 2025.

It will also be open to the private respondents herein to make a representation before the respondent No.3 in case the private respondents allege any encroachment upon the PWD road made by the petitioners. If such a representation is made, the respondent No.3 shall also consider such representation and take steps in accordance with law.

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.)