

Item-
16. 06-01-2026

WPA 29509 of 2025

sg Ct. 19

Waheda Begum
Versus
The State of West Bengal & Ors.

Ms. Shabana Hasin
...for the petitioner
Mr. Ayan Banerjee
Mr. Ajeyo Chowdhury
...for the State

The petitioner claims to be the owner of RS Plot No. 5142, within Mouza Ramna Chandpur, under Police Station Nowda, in the District of Murshidabad. The petitioner states that a PWD road is running adjacent to the aforesaid property of the petitioner. The petitioner further submits that the private respondents herein have made a construction by encroaching upon the PWD road which is in front of the property of the petitioner thereby causing obstruction to the ingress and egress of the petitioner from his property to the PWD road.

Affidavit of service filed in Court is taken on Record.

The learned Counsel appearing for the petitioner submits that the respondent authorities have been duly served.

In spite of service, none appears for the State as well as the private respondents.

Mr. Ayan Banerjee, learned Advocate, who usually represents the State, is present in Court and is requested to appear for the State in this matter along with a junior of his choice.

The appointments of Mr. Banerjee and a junior of his

choice be regularized by the concerned authority.

Since the 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.

Mr. Banerjee submits that necessary steps shall be taken in accordance with law within the time limit as may be fixed by this Court.

In the light of the submissions made by the respective parties, WPA 29509 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 1st December, 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 taken 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 1st December, 2025.

In case 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.

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.)