

SL. 24  
31.03.2026  
Court No.19  
BP

WPA 7267 of 2026

Rahul Molla  
-versus-  
The State of West Bengal & Ors.

Mr. Mrinal Kanti Ghosh  
..for the petitioner

Mr. Chandi Charan De, Ld. Addl. Govt. Pleader  
Ms. Saswati Chatterjee  
Mr. Priyabrata Batabyal  
..for the State

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

Mr. Ghosh, learned advocate for the petitioner submits that the registered envelope addressed to the private respondent returned to the remark “addressee left”.

The petitioner claims to be the recorded owner of a plot of land being R.S. Plot No. 2967 corresponding to L.R. Plot No. 3504 within Mouza Muradpur, Jalangi, J.L. No.30 under Police Station Jalangi in the District of Murshidabad. The petitioner states that Jalangi-Chunakhali State Highway is running adjacent to the aforesaid property of the petitioner and the private respondent has raised an unauthorised construction by encroaching upon the PWD road. The petitioner submitted a representation before the various authorities

including the Assistant Engineer, Public Works Department (PWD), Berhampore Sub-Division-III dated 2<sup>nd</sup> December, 2025 requesting the authorities to remove the encroachment from the PWD road.

Mr. Ghosh, learned advocate appearing for the petitioner submits that in spite of receipt of such representation no steps have been taken by the respondent authorities to remove the encroachment from the PWD road.

Mr. De, learned Additional Government Pleader assisted by Mr. Batabyal, learned advocate for the State submits that necessary steps in accordance with law shall be taken if any encroachment upon the PWD road is found.

Without entering into the merits of the claim made by the petitioner in the representation dated 2<sup>nd</sup> December, 2025, WPA 7267 of 2026 stands disposed of by directing the Assistant Engineer, Public Works Department (PWD), Berhampore Sub-Division-II being the respondent no.6 to consider the representation of the petitioner dated 2<sup>nd</sup> December, 2025 and after causing necessary enquiries and demarcation by engaging competent Amins/surveyors upon prior service of notice to the petitioner, the private respondents and any other person who may be affected by such demarcation and upon such demarcation if any encroachment upon the PWD road is found appropriate proceeding in accordance

with the relevant statute shall be initiated and the entire exercise shall be completed as expeditiously as possible but positively within a period of twelve weeks from the receipt of a server copy of this order along with a copy of the representation dated 2<sup>nd</sup> December, 2025. Needless to mention that if the said respondent is of the view that there is no encroachment upon the PWD road, such decision shall also be communicated to the petitioner and others within the time limit mentioned hereinbefore.

There shall be however no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

**(Hiranmay Bhattacharyya, J.)**