

08.04.2022
rc/ct.no.10
Item No.03

**RVW No. 18 of 2022
with
CAN No. 1 of 2022
in
WPA No. 176 of 2022
with
CAN No. 1 of 2022**

Mr. Sumit Roy
Mr. Sailen Naskar ...for the applicant in Review

Mr. Bharat Chandra Simai
...for the writ petitioner in WPA No. 176 of 2022

Mr. Rabindra Nath Dutta
Mr. Sanjoy Ghosh
...for the applicants (respondent nos. 10 to 15)

Mr. Lalit Mohan Mahata
Mr. Supratim Dhar
Mr. Jayeeta Sinha
Mr. Sandip Mandal ...for the State

Learned counsel appearing on behalf of the applicant in the review application has sought for review of the order of this Court passed on January 21, 2022 on the ground that the matter pertains to the West Bengal Public Land (Eviction of Unauthorised Occupants) Act, 1962 and the West Bengal Highways authorities has no jurisdiction to issue notice upon the applicant under Section 10 of the West Bengal Highways Act, 1964 (hereinafter referred to as the "Act of 1964"). There is no document on record to suggest that the land in question was declared to be highway under Section 3(1) of the Act of 1964.

Liberty is granted to the State authorities to produce a copy of such notification, if any, on the adjourned date.

Let this matter appear on Monday week i.e. on April 18, 2022 under the same heading.

In the meantime let there be an interim stay of operation of the order dated January 21, 2022 till April 30, 2022 or until further orders, whichever is earlier.

Urgent certified website copy of this order, if applied for, be furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh,J)