

Ct. 05
Item No.07
26.09.2022
(suvendu)

WPA 13478 of 2022

**Rabiul Alam @ Rabul Sekh & Ors.
Vs.
The State of West Bengal & Ors.**

Mr. Manas Kumar Das
.....for the petitioners

Mr. Sadhan Kumar Halder
Mr. Manas Kumar Sadhu
.....for the State

Mr. Sandipan Maity
Mr. Saumen Gayen
.....for the private respondent

The petitioners are aggrieved by an order passed by the Sub-Divisional Officer, Kandi, Murshidabad dated 14th May, 2022 by which the petitioners were directed to be evicted from the unauthorised occupied land over a particular plot of Murshidabad. The direction was issued under Section 4(1) of the West Bengal Public Land (Eviction of Unauthorized Occupants) Act, 1962 and the respondents were directed to remove the temporary structure over the said land within one month of passing of the order.

The impugned order appears to have been passed pursuant to an order passed by a learned

Single Judge of this Court in WPA 14954 of 2021 dated 30th September, 2021.

Learned counsel appearing for the petitioners submits that the petitioners have been occupying the said land for the last 40 years and that there are other parties who have not been evicted by the concerned authorities.

The respondents are present.

Learned counsel appearing for the State submits that the encroachment has already been removed.

Upon hearing learned counsel and perusing the impugned order, this Court finds no reason to interfere with the same.

The petitioners were represented before the SDO at the time of passing of the impugned order. Moreover, section 10(4) of the West Bengal Highways Act, 1964 provides for appeal by a person aggrieved by an order of the Magistrate. The appeal is to be filed before the District Magistrate and the Magistrate shall affirm, modify or set aside the order made under Section 10(3) of the Act.

Since the petitioners have lost the time period for filing the appeal under Section 10(4), the time period provided under the said provision is condoned. The petitioners shall be at liberty of

approaching the designated authority under Section 10(4) of the Act within four weeks from today.

WPA 13478 of 2022 is disposed of in terms of the above.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Moushumi Bhattacharya, J.)