

11<sup>th</sup> August, 2022  
(D/L No.26)  
(SKB)

**W.P.A. 16237 of 2022**

Abdul Wahab Gazi  
Versus  
The State of West Bengal and another

Mr. Animesh Paul  
... for the petitioner.

Mr. Debasish Ghosh,  
Mr. Domingo Gomes  
... for the State.

Mr. Mohinoor Rahaman,  
Ms. Maria Rahaman,  
Ms. Iqra Rahaman  
... for respondent nos.5 to 9.

The petitioner is aggrieved by an order dated 14<sup>th</sup> July, 2022 passed by the Assistant Engineer, Basirhat Highway Sub-Division, P.W.(Roads) Directorate, Government of West Bengal, by which the petitioner was requested to remove the encroachment and restore the Highway to its original condition under the West Bengal Highways Act, 1964 within a certain timeframe.

Learned counsel appearing for the State, who has filed a Report pursuant to a direction passed by this court, submits that the petitioner was not given Notice of the earlier hearing held on 13<sup>th</sup> June, 2022 since the petitioner was not a party to the contempt proceedings filed before the court and the State respondents were not aware of the petitioner's existence. The Report is taken on record.

Upon hearing and considering the impugned order dated 14<sup>th</sup> July, 2022, this court deems it fit to direct the statutory authority under Section 10(2) of the West Bengal Highways Act, 1964 to hear the matter afresh upon considering the case of the petitioner. Since the impugned order refers to a demarcation of government land dated 30<sup>th</sup> June, 2022 and the Report of the B.L. & L.R.O., Basirhat-II pursuant to such demarcation, the concerned authority being the Sub-Divisional Officer, Basirhat-II shall hear the contention of the petitioner with regard to the demarcation already done and the Report of the B.L. & L.R.O., Basirhat-II. A copy of the demarcation report shall be made available to the petitioner at least two weeks before the proposed date of hearing for the petitioner to be able to respond to the same effectively. The objection of the petitioner, if any, may duly be considered by the authority.

W.P.A.16237 of 2022 is disposed of by setting aside the impugned order dated 14<sup>th</sup> July, 2022. The respondents are directed to comply with the order passed by the court today. The entire exercise shall be completed by the concerned respondents within a period of six weeks from today. A copy of the order shall be made available to the petitioner within a week from the date on which such order is passed.

**(Moushumi Bhattacharya, J.)**