

M/L. 204.
June 19, 2024.
MNS.

WPA No. 23172 of 2022

Renuka Bibi
Vs.
State of West Bengal and others

Mr. Partha Pratim Roy,
Mr. Sarbananda Sanyal

... for the petitioner.

Mr. Ashim Kumar Ganguly,
Mr. Subrata Das Gupta

...for the State.

The grievance of the petitioner is directed against an order dated September 9, 2022 passed by the Appellate Authority under Section 10(4) of the West Bengal Highways Act, 1964.

Briefly, pursuant to a direction passed in an earlier Writ Petition, being WPA No. 8597 of 2021, the respondent authorities were directed to conclude the proceeding initiated under Section 10 of the West Bengal Highways Act, 1964.

In terms of the above directions, the impugned order has been passed by the District Magistrate and Collector, Murshidabad, being the respondent No. 2, *inter alia*, affirming the order dated September 9, 2022.

It appears from the records that pursuant to an order of this Court and in terms of the provisions of the West Bengal Highways Act, 1964, the State authorities had initiated a

proceeding for illegal and unlawful encroachment on public land which culminated in the passing of the above orders.

The impugned order is elaborate and well-reasoned. There is no perversity, illegality or unreasonableness in the impugned order. The petitioner has not been able to demonstrate any illegality warranting any interference with the impugned order. The fact of illegal and unlawful encroachment has been elaborately gone into. In fact, in the order dated July 14, 2022, it has been categorically recorded that the Advocate appearing on behalf of the petitioners confessed that his clients had encroached unlawfully upon the Highway in front of the Plot 629 of Mouza-Popara of Sagardighi and has sought for 90 days time to vacate the same. In view of such categorical submission made on behalf of the petitioner, there is no ground whatsoever to interfere with the impugned order.

WPA No. 23172 of 2022 stands dismissed.

There shall be no order as to costs.

(Ravi Krishan Kapur, J.)