

24.04.2024
Item No.15
RP
Ct. No.1

**MAT 2290 of 2023
With
IA No.CAN 1 of 2023**

**Sk. Musur @ Sk. Mosiur Rahaman & Ors.
Vs.
The State of West Bengal & Ors.**

Ms. Rita Patra
Ms. Pusmita Das
.....for Appellants
Mr. Bibek Jyoti Basu
Mr. Maniklal Dey
.....for State

1. This intra-Court appeal is directed against the order dated 4th October, 2023 passed in WPA 8242 of 2020.
2. Affidavit-of-service filed in Court today be kept on record. In spite of service none appears for the writ petitioners.
3. We have heard the learned advocates for the parties. Upon perusal of the direction passed by the learned Single Bench we find no ground to interfere with the said directions. Apart from that the direction has been implemented and notice under Section 10(1) of the West Bengal Highway Act 1964 (Eviction of Unauthorized Occupants within R.O.W.) has been issued. The grievance of the petitioner is that the writ petitioners are also encroachers of the land classified as 'drainage'. This aspect shall also be looked into by the authority, namely, the Assistant Engineer, Keleghai Bridge Highway Sub-Division, P.W. (Roads) Directorate, Public Works Department, who has issued notice under Section 10(1) of the said Act. In the event, it is found that it is beyond jurisdiction of the said authority, then the matter

be placed before the 5th respondent, namely, the Block Land and Land Reforms Officer, P.S.- Pingla, Paschim Midnapore and appropriate action be initiated after issuing notice to all concerned. This direction be implemented within the period of twelve weeks from the date of receipt of the server copy of this order.

4. With the aforesaid direction, the appeal and the connected application are disposed of.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)