

03.12.2024

Item No. 06

Crt.No.02

b.r.

WPA 28796 of 2024

Narayan Das & Ors

-vs-

The State of West Bengal & Ors.

Mr. Anindaya Sundar Das

Mr. Saunak Ghose

Mr. Syed Ali Afzal

Mr. Subrata Mondal

.... For the petitioners.

Mr. Nilotpal Chatterjee

Ms. Munmun Ganguly

.... For the State-Respondents.

Affidavit of service filed in Court today, is taken on record.

Mr. Anindaya Sundar Das, learned counsel appears for the petitioners.

Mr. Nilotpal Chatterjee, learned counsel appears for the State-respondents.

The order impugned has been passed on **August 6, 2024** under **Sub-Section 3** to **Section 10** of the **West Bengal Highways Act, 1964**, this writ petition has been filed on or about **December 2, 2024**.

The impugned order is for removal of encroachment on Highway land alleged to have been encroached by the petitioners. Since there is a statutory appellate remedy available under the **1964 Act**, this Court refrains itself from entertaining this writ petition.

On the ground of delay in filing this writ petition which defeats equity, this Court is also of the view that no protection can be granted to the petitioners.

Accordingly, this writ petition, **WPA 28796 of 2024** stands **dismissed**, without any order as to costs.

However, if the petitioners are eligible to avail of the statutory remedy strictly in accordance with law, the petitioners may do so.

In the event, the statutory remedy is availed of, the jurisdictional authority shall not be influenced by observations made by this Court, if any, and it shall deal with the same independently but strictly in accordance with law.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)