

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

6 10.12.2024
Sc Ct. no.2

WPA 29397 OF 2024

Sri Ashim Swarnakar & Ors.

Vs.

The State of West Bengal & Ors.

Mr. Tulsi das Ray
Mr. Tirthankar Roy.

.... For the Petitioners

Mr. Chandi Charan De, AGP
Mr. Anirban Sarkar.

.... For the Respondent
Nos. 1 to 8

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

Mr. Tulsi das Ray, learned counsel appears for the petitioners.

Mr. Chandi Charan De, learned Additional Government Pleader appears for the respondent nos. 1 to 8.

The petitioners have challenged the impugned order dated **November 19, 2024** passed by the respondent no.2 under **sub-Section (4)** to **Section 10** of the **West Bengal Highways Act, 1964**.

Admittedly, the petitioner is in occupation of the **nayanjuli**, a portion of the PWD road. The **nayanjuli** is a part of the highway land. Therefore, the occupation of the petitioners is illegal and amounts to an encroachment

on PWD land. The impugned order is otherwise very well versed and well founded.

Upon due consideration of all the relevant records including the land records the impugned order has been passed. There is no infirmity in the impugned order. The impugned order dated **November 19, 2024** stands affirmed.

At this juncture, Mr. Ray, learned counsel appearing for the petitioners, on instruction from his clients, submits that, the petitioners shall vacate the premises positively on or before **January 31, 2025**.

Accordingly, the petitioners are directed to vacate the portion of a land under their occupation positively on or before **January 31, 2025**, failing which, the jurisdictional authority shall execute the said order dated **November 19, 2024** in accordance with law but positively on or before **February 10, 2025**.

Since affidavits are not called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions, this writ petition, **WPA 29397 of 2024** stands **disposed of**, without any order as to costs.

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

(Aniruddha Roy, J.)