

ADSL1

20-12-2024

AKG

Ct. 15

WPA 30033 of 2024
Gouri Saha & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Tanmoy Chattopadhyay
...for the Petitioners
Mr. Rajkumar Sain,
Mr. Sandipan Maity
...for Respondent Nos. 12 & 13
Mr. Soumitra Bandopadhyay,
Mr. Subhasis Bandopadhyay
...for the State

The petitioner has challenged the order dated October 24, 2024, passed by the District Magistrate, Malda, in connection with an appeal filed under Section 10(4) of the West Bengal Highways Act, 1964.

The original order under Section 10(3) of the West Bengal Highways Act, 1964, was issued by the Executive Engineer, Chanchal, Malda, on August 2, 2022. The order was unsuccessfully challenged by an appeal before the District Magistrate, Malda. The District Magistrate affirmed the order on October 13, 2023. The petitioner then challenged this decision before this Court by filing WPA 1897/2024. By an order dated March 11, 2024, this Court set aside the District Magistrate's order and directed a fresh hearing of the matter by the District Magistrate.

In compliance with this order, the impugned order dated October 24, 2024, was issued.

The learned advocate for the petitioner submits that the District Magistrate, in passing the impugned order, failed to consider the submissions made by the petitioner in the written notes of arguments. It is further submitted that the entire proceedings were initiated at the behest of respondents 12 and 13, who have also encroached upon land belonging to the Public Works Department. Additionally, it is argued that the authorities under the Act of 1964 should not pass any order to facilitate the ingress and egress of respondents 12 and 13.

The petitioner also asserts that if the order is implemented, it would render them homeless and result in the loss of their livelihood.

I have heard the parties at length.

The impugned order is based on a report submitted by the Block Land & Land Reforms Officer, Harishchandrapur-II Development Block, which states that the petitioners have encroached upon a section of the Public Works Department road. The petitioners have not challenged the findings of this report.

The order for removal, issued by both the Executive Engineer and the District Magistrate, Malda, followed an opportunity for the petitioners to be heard. There is no apparent perversity or procedural impropriety in the order that would warrant interference by this Court in the

exercise of judicial review of an appellate order.

Accordingly, **WPA 30033 of 2024** is dismissed.

Urgent certified *website* copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)