

D/L 29
15.07.2025
Court No.14
PRADIP

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

WPA 1116 of 2025

**B.M. Dauphin Afsun & Ors.
Vs.
State of West Bengal & Ors.**

*Mr. D.N. Bose
Mr. Sujit Chowdhury*

... for the Petitioners.

*Mr. Ashim Kr. Ganguli
Mr. Bellal Shaikh*

...for the State.

*Mr. Sarbananda Sanyal
Mr. Poulomi Chakraborty
Mr. Samrat Chakraborty
Mr. Saikat Gayen*

...for the Respondent nos. 7,10,11.

*Mr. Sandip Kundu
Mr. Shibasis Chatterjee*

...for the Respondent nos. 8&9.

1. Affidavit of service filed in Court today is taken on record.
2. Report of the Assistant Engineer, P.W.D., Berhampore Sub Division No-III signed on 14th July, 2025 filed in Court today be retained with the records.
3. The petitioners appear to be aggrieved by the order passed under Section 10(3) of the West Bengal Highway Act, 1964 by the Sub Divisional Magistrate, Domkal, Murshidabad on 27th November, 2024.
4. The order is an appealable one. Accordingly, the Court is not inclined to adjudicate the correctness of the impugned order.
5. It will be open for the petitioners to approach the appellate forum for remedy in accordance with law, if so advised.

6. As regards the allegations of the petitioners that the respondent authorities are not taking steps against the unauthorized encroachment made by the private respondents over the highway land, it appears that no representation against the said encroachment was filed by the petitioners before the authority.
7. It will be open for the petitioners to approach the authority with their prayer.
8. In the event any representation is made by the petitioners against the illegal encroachment by the private respondents, the same shall be considered by the authority in accordance with law.
9. The writ petition stands disposed of.
10. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)