

10.03.2025
Item No.14
gd/ssd

MAT/339/2025
SWAPAN KUMAR MAITY AND ORS.
VS
STATE OF WEST BENGAL AND ORS.
IA NO: CAN/1/2025

Mr. Kallol Basu,
Ms. Atreya Chakraborty,
Ms. Sreejita Sen
..for the Appellants.

Mr. Biswabrata Basu Mallick,
Mr. Debopriya Karan
..for the State.

1. This intra court appeal by the writ petitioners is directed against the order dated 28th February, 2025 in WPA 4734 of 2025 by which the writ petition was disposed of.

2. The appellants had challenged a notice issued by the Assistant Engineer, PWD, Haldia Construction Sub-Division No.I directing them to remove the encroachments on PWD Road failing which they will be removed with the assistance of the police personnel.

3. It is not as if the appellant/writ petitioners are being thrown out summarily but there has been a prior adjudication of their alleged rights and the Executive Magistrate, Haldia has passed an order dated 11.7.2024 holding that the appellants have no vested right to stay in the PWD land.

4. This order was appealed against and the District Magistrate and Collector, Purba Medinipur by order dated 6.2.2025 has confirmed the order of the Executive Magistrate, in exercise of the powers conferred under Section 10(4) of the West Bengal Highways Act.

5. Thus, it is seen that the appellants ranked trespassers and encroachers in the Highways land.

6. From the report given by the Assistant Engineer, PWD, Haldia Construction Sub-Division No.I it is seen that the road construction work has been for the past one and half years, with only a 260 meter stretch remaining incomplete out of the total 16 kilometers. Further, the report states that the stretch is extremely crucial as it serves as the entrance to Ramkrishna Mission, other schools, Eye Hospital, and several other important public institutions and it is the junction NH-116, SH-4 and connects a ferry ghat and also used by thousands of people who travel from Kukrahati to Diamond Harbour.

7. Thus, it is seen that the appellants are holding the public to ransom by encroaching upon land belonging to the Public Works Department/Highways and the appellants deserve no sympathy in the matter.

8. Apart from that, it is not as if the appellants have been summarily evicted, but has been done by following the provisions of the relevant Act.

9. Thus, we find no grounds to interfere with the order impugned.

10. Accordingly, the appeal fails and the same is dismissed.

11. Report along with documents is taken on record.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(CHAITALI CHATTERJEE (DAS), J.)