

01
05.08.2025
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

**W.P.A 5898 of 2025
IA No. CAN 1 of 2025**

**Goutam Mondal & Ors.
-versus
The State of West Bengal & Ors.**

**Mr. Koushik Dey,
Mr. Chitrak Biswas.
...For the Petitioner.**

**Mr. Pritam Chowdhury,
Mr. Subhadeep Maitra.
...For the State.**

1. The petitioners are aggrieved by the order dated 25th July, 2024 and the subsequent order dated 18th June, 2025 passed under Section 10(3) of the West Bengal Highways Act, 1964 directing removal of encroachment and for recovery of possession of the P.W.D land.

2. The primary challenge of the petitioners was that the subject place where the encroachment is alleged to have been made by the petitioners does not fall under the definition 'highway' under the Act.

3. Learned advocate appearing on behalf of the State respondents has placed before this Court the list of roads maintained by different divisions in South 24-Parganas district wherefrom it appears that the Kachuberia Gangasagar Road falls within the Diamond Harbour Highway Division, P.W. (Roads) Directorate.

4. Specific submission is that the said road is maintained by the Public Works Department.

5. As per the West Bengal Highways Act, 1964, 'highway' means any government road. The submission of the petitioner that the subject road cannot be treated as a highway cannot be accepted by the Court. The road in question is maintained by the PWD and will certainly be treated as a highway in terms of the Act.

6. The order impugned in the instant writ petition is an appealable one.

7. Submission of the petitioners is that copy of the impugned order has not been served upon the petitioners. The concerned authority is directed to serve a copy of the order upon the petitioners within 8th August, 2025.

8. It is expected that the authority will not take any coercive steps against the petitioners till 22nd August, 2025 to allow the petitioners to prefer statutory appeal before the competent authority.

9. It will be open for the petitioners to approach the appellate forum in accordance with law, if so advised.

10. If the appeal is preferred within 14th August, 2025, the competent authority shall take a decision with regard to the prayer of the petitioners at the earliest.

11. The name of the learned advocate Mr. Subhadeep Maitra representing the State respondents along with Mr. Pritam Chowdhury, advocate was inadvertently not recorded in the order dated 30th July, 2025.

12. Be it recorded that Mr. Subhadeep Maitra, advocate appeared on behalf of the State respondents along with Mr. Pritam Chowdhury, advocate on 30th July, 2025.

13. The writ petition stands disposed of.

14. In view of disposal of the writ petition, the connected application being IA No. CAN 1 of 2025 also stands disposed of.

15. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)