

D/L 20 & 21
18.02.2025
Court No.14
PRADIP

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 2240 of 2024

Ajit Kumar Mondal
Vs.
The State of West Bengal & Ors.

With

WPA 7808 of 2024

Momin Ali Khan
Vs.
The State of West Bengal & Ors.

Mr. Anindya Bose
Ms. Cardina Roy
Mr. Mridul Biswas

*...for the Petitioner in WPA 2240/2024 &
for the respondent no.7 in WPA 7808 of 2024.*

Mr. Suman Ghosh
Mr. Siddhartha Ghosh

...for the State.

Mr. Prosenjit Mukherjee
Mr. N.K. Das

*...for the petitioner in WPA 7808 of 2024 & for the
respondent no. 17 in WPA 2240 of 2024*

1. Ajit Kumar Mondal filed a writ petition praying for implementation and execution of the order dated 2nd August, 2023 passed by the Sub-Divisional Magistrate, Egra under the provisions of the West Bengal Highways Act, 1964. By the said order the aforesaid respondent directed the Assistant Engineer, Public Works Directorate (Roads) Contai Highway Sub Division to recover the possession and remove the encroachment caused by the respondent named in the said order and deliver possession of the land which was encroached upon to the highway authority or to any such officer of the respondent.

2. Momin Ali Khan has been found to be one of the encroachers who had been directed to be removed. He filed an appeal before the District Magistrate, which stood dismissed. Challenging the order of dismissal, he has filed the writ petition being WPA 7808 of 2024 on the ground that the said land is not recorded as an highway under the West Bengal Highways Act.
3. It has been submitted that the order of the Sub-Divisional Magistrate is illegal and liable to be set aside. Similarly, the order passed by the appellate authority is also liable to be set aside. It has further been submitted that, the construction made by Momin Ali Khan is not obstructing the free ingress and egress of Ajit Kumar Mondal.
4. The records of the case have been produced by the learned advocate representing the State respondents. It appears therefrom that, there is a specific field enquiry report of the Block Land & Land Reforms Officer, Egra-I certifying that the said land belongs to the PWD (Roads).
5. A regular show-cause notice was issued to the encroachers and upon hearing the necessary parties, order of eviction was passed. For identification of the land, as to whether the same falls within the jurisdiction of the Public Works Department (Roads) or not, a proper demarcation was also made.
6. The contention of Momin Ali Khan that the land does not belong to the Public Works Department (Roads) and the same is not reflected in the record of rights, is contrary to the report of the Block Land & Land Reforms Officer.
7. Since it has been conclusively found that, the land in question is the land of the Public Works Department (Roads), accordingly, the encroachers are liable to be removed therefrom.
8. The Superintendent of Police, DIB Purba Medinipur is directed to render adequate police protection for the purpose of removal

of the encroachers who shall positively be removed at the earliest, but not later than four weeks from the date of communication of this order. The encroachers are restrained from interfering with the work of removal by the respondent authorities.

9. WPA 7808 of 2024 stands dismissed.
10. WPA 2240 of 2024 is made returnable on 8th April, 2025, for recording compliance.
11. Instruction forwarded by the Assistant Engineer, Contai Highway Sub-Division P.W. (Roads) Dte. signed on 24th January, 2025 be retained with the records.
12. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all the requisite formalities.

(Amrita Sinha, J.)