

19
12.08.2025
S.D.
Ct. No. 26

M.A.T. 475 of 2025

**Buddhya Ghosh & Ors.
Vs.
The State of West Bengal & Ors.**

Mr. Mahendra Prasad Gupta
Ms. Moumita Dhar
Ms. Sweta Tiwari
...for the appellants

Mr. Dibyendu Chatterjee
Mr. Pritam Majumdar
Ms. Satabdi Das
Mr. Mainak Singha Barma
Ms. Sunanda Chatterjee
...for the respondent no. 1

Mr. Swapan Kumar Dutta, Ld. A.G.P.,
Mr. Rajat Dutta
...for the State

1. Appeal is taken up for consideration subsequent to the order dated July 25, 2025.
2. Learned advocate appearing for the appellants submits that the appellants do not wish to proceed with the appeal any further. He submits that his clients enjoy rights under Section 10 of the West Bengal Highways Act, 1964. He submits that ultimately under Section 10(3) of the Act of 1964, his clients are entitled to prefer an appeal to the District

Magistrate in the event the appellants suffer any order of eviction under the Act of 1964.

3. Learned advocate appearing for the appellants submits that the appellants preferred a separate writ petition which is pending before the learned Single Judge.
4. We decided on the merits of the appeal. Therefore, at this stage prayer of the appellants for leave to withdraw the appeal need not be considered. Be that as it may, since the appellants are making passionate plea with regard to non-service of notice under the Act of 1964 and service of notice on a dead person as also their statutory right under the Act of 1964, we requested the appellants to demonstrate their right to occupy the property in question. Our attention is not drawn to any document establishing any iota of right of any of the appellants to occupy the property in question.
5. Learned senior advocate appearing for the West Bengal Highways Development Corporation submits that August 19, 2025 is the date fixed for removal of encroachment.

6. No doubt, the authorities will proceed to remove such encroachment as are found at the property concerned.
7. **M.A.T. 475 of 2025 is disposed of.**

(Debangsu Basak, J.)

(Prasenjit Biswas, J.)