

April 8, 2025
Sl. No.14
Court No.19
s.biswas

WPA 7658 of 2025

Tarapada Sarder
vs.
The State of West Bengal and others

Mr. Tapas Maity

... for the petitioner

Mr. Soumitra Bandyopadhyay, Sr. Govt. Adv.

Mr. Ram Chandra Guchhait

... for the State respondents

1. The affidavit of service as filed today is taken on record.
2. By filing the instant writ petitioner the writ petitioner prays for issuance of appropriate writ/writs against the respondent authorities more specifically against the respondent no.3 for considering his representation dated 20.02.2025, a copy of which has been annexed at page no.15 of the instant writ petition.
3. On careful perusal of the copy of the said representation, it reveals that it is the case of the writ petitioner that he has already occupied substantial portion of the road, namely, Dostipur/Falta Road and is carrying on business thereon. By issuing a letter dated 20th February, 2025, the writ petitioner requested the respondent no.3 to grant permission to make encroachment.
4. On careful perusal of Section 8 of the West Bengal Highways Act, 1964, it appears to this court that Section 8 of the said Act of 1964

envisages permission to make encroachment. It further reveals that Section 8(1) of the said Act of 1964 clearly mandates that no person shall make any encroachment without obtaining previous permission in writing of the Highway Authority or any officer not below the rank of an Assistant Engineer. It appears to this court that the writ petitioner has admitted that he has already encroached of the portion of the highway.

5. Such being the position, this court finds that the writ petitioner is not entitled to any equitable relief as prayed for. The instant writ petitioner is devoid of any merit.
6. With the aforementioned observation, the instant writ petition is dismissed.
7. Liberty is given to the writ petitioner to submit a fresh representation before the respondent no.3 authority only when he vacates the unauthorized encroached portion of the highway, i.e., Dostipur/Falta Road.
8. The parties shall act on the basis of server copy of the order.

(Partha Sarathi Sen, J.)