

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Debangsu Basak

And

The Hon'ble Justice Md. Shabbar Rashidi

**MAT 518 of 2025
With
IA No.: CAN 1 of 2025
With
IA No.: CAN 2 of 2025**

**Pratima Naskar
Vs.
The State of West Bengal & Ors.**

For the Petitioner : Mr. Rudranil De, Advocate
Mr. Ziaul Haque, Advocate
Mr. Kartik Das, Advocate

Heard & Judgment on : May 1, 2025

DEBANGSU BASAK, J.:-

1. IA No.:CAN 1 of 2025 is an application for condonation of delay.
2. For the ends of justice, considering the averments made in such application and the quantum of the delay, we deem it appropriate to condone the delay in making and filing the appeal.
3. IA No.:CAN 1 of 2025 is allowed.

4. Appeal is directed against an order dated February 5, 2025 passed in WPA 20606 of 2023.
5. By the impugned order, learned Single Judge found that, on demarcation at the locale that, the public authorities did not encroach upon any land belonging to the appellant. It is also found that, the appellant was guilty of encroachment of public land.
6. At the hearing of the appeal, it is contended that, there is hardly any space between the construction made on public land and the shop room belonging to the appellant who is a widow.
7. It is suggested that, if the construction on the public land can be shifted by one foot and the appellant demolishes its structure with regard to the quantum of encroachment then, at least, the shop room will be functional.
8. With respect, we are unable to accept the suggestion advanced on behalf of the appellant. Firstly, appellant is guilty of encroachment and not the public authorities. Secondly, the construction made is by a public authority on a public land without encroaching upon a land belonging to the appellant. Appellant is not claiming any right, title and interest over the area on which the construction of the waiting hall was made by the public authorities. The construction is for a waiting hall for passengers of a road. The construction cannot be termed not to be for public purpose.

9. Learned Single Judge took pains in ensuring a demarcation being made at the locale. Demarcation of the land in question and as well as the report establishes that, the public authorities made such construction for public purpose on public property.
10. In such circumstances, we find no ground to intervene in this appeal.
11. **MAT 518 of 2025** and **IA No.: CAN 2 of 2025** are dismissed without any order as to costs.

(Debangsu Basak, J.)

12. I agree.

(Md. Shabbar Rashidi, J.)

(AD)