

03.06.2025
(2nd S/L. 01)
Ct.-07
(Susanta
Aminur)

W.P.A. 12372 of 2025

Sofiour Rahaman @ Safiur Rahaman
-Vs-
The State of West Bengal & Ors.

Mr. Pratip Chatterjee,
Mr. Manas Kumar Das,
.... For the Petitioner.

Mr. Swapan Banerjee, Ld. AGP,
Ms. Sumita Shaw,
Mr. Kushal Biswas,
Ms. Soumen Chatterjee,
.... For the State.

1. The writ petitioner has challenged a notice issued against him under Section 10(3) of the West Bengal Highways Act, 1964 (In short, the 1964 Act).
2. Mr. Chatterjee, learned advocate appearing for the petitioner, submits that the authority concerned is going to demolish his house, and as such, immediate intervention by this Court is required.
3. Mr. Swapan Banerjee, learned Additional Government Pleader appearing on behalf of the State, invites my attention to the notice and the application made by the petitioner at page 32 of the writ petition and submits that upon receipt of the notice, the petitioner prayed for accommodation before the SDO. Thereafter, the petitioner directly approached this Court with the present writ petition.

4. In reply, Mr. Chatterjee submits that it was proclaimed in the locality that the demolition work would be undertaken tomorrow.
5. Having heard the learned advocate for the respective parties.
6. The record reveals that based on complaints filed by the local residents of the locality that certain persons had encroached upon land belonging to the PWD(Roads) and constructed their respective structures thereon, thereby causing inconvenience to the locals in the peaceful possession of their own properties, an enquiry was held under Section 10(1) of the West Bengal Highways Act, 1964.
7. The petitioner and other similarly situated persons were directed to remove their respective structures from the land belonging to the PWD (Roads). However, as those individuals including the petitioner failed to comply with the instructions contained in the notice issued under Section 10(1) of the 1964 Act, the Assistant Engineer referred the matter to the Sub-Divisional Officer invoking the provisions of Section 10(3) of the West Bengal Highways Act, 1964, and the S.D.O. issued a notice to afford an opportunity to the petitioner.
8. Upon receipt of that notice, the petitioner has prayed for an accommodation.
9. The order passed by the S.D.O. under Section 10(3) of the said Act is an appealable order, and Sub-

Section (4) of Section 10 provides for a statutory appeal.

10. I do not find any illegality or infirmity in the notice and as there is a statutory alternative remedy available under Section 10(4) of the Act, no interference is called for in this writ petition.

11. W.P.A No.12372 of 2025 is dismissed. However, there shall be no order as to costs.

12. Parties to act on the server copy of this order duly downloaded from the official website of this Court.

(Partha Sarathi Chatterjee, J.)