

S/L 24
07.08.2025
Court. No. 19
Suwayan

WPA 13519 of 2025

**Sariful Islam @ Sheikh
Vs.
The State of West Bengal & Ors.**

*Mr. Robiul Islam
Mr. M. Rahaman*

...for the petitioner.

*Mr. Tarun Kumar Ghosh
Mr. Ezaz Hossain*

...for the State.

Md. Yusuf Ali

...for the respondent no. 7.

1. The writ petitioner, the private respondent no. 7 and the respondents/State and its instrumentalities are represented by their respective Counsels.
2. At the time of hearing, Mr. Ali, learned Advocate appearing on behalf of the private respondent no. 7 has handed over a copy of the memo dated 10.09.2024 as issued by the respondent no. 5/authority. It is submitted by Mr. Ali that from page nos. 7 and 8 of the said memo dated 10.09.2024 it would reveal that the respondent no. 3/authority being the jurisdictional SDO has passed an order for removal of encroachment under Section 10(3) of the West Bengal Highways Act, 1964 (hereinafter referred to as the 'said Act of 1964' in short).
3. It appears to this Court that challenging the order of the SDO under Section 10(3) of the said Act of 1964 there is a provision for filing appeal before the jurisdictional District Magistrate.

4. In view of such availability of alternative efficacious remedy the prayer of the writ petitioner for quashing of the notice of the respondent no. 5 cannot be entertained.
5. With the aforementioned observation, the instant writ petition is dismissed.
6. Urgent Xerox certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Partha Sarathi Sen, J.)