

19th August, 2025

Item No.D/L 34
Court No. 14

Pradip, A.R.(Ct.)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No. **WPA 14357 of 2025**

In the matter of :

Sk. Nekbar Ali & Ors.

.... Petitioners

VS.

The State of West Bengal & Ors.

.... Respondents

For the Petitioners :

Mr. Imtiaz Ahmed

Ms. Ghazala Firdaus

Mr. Sk. Saidullah

Mr. Mithun Mondal

Mr. Md. Arsalan

.... Advocates

For the State :

Mr. Sandip Mondal

.... Advocate

For the Private Respondent :

Mr. Subhajit Chowdhury

.... Advocate

1. Report in the form of affidavit by the Assistant Engineer, Uluberia Highway Sub-Division, Public Works (Roads) Directorate filed in Court today is taken on record.
2. Certain documents have been annexed to the report in support of the submission that proper notices under the West Bengal Highways Act, 1964 were issued to persons found to be in unauthorized encroachment over the public land.
3. On a perusal of the documents annexed at pages 26, 39 and 45 of the report, the Court is not convinced with the

service of notice upon the persons against whom steps are being taken for removal of unauthorized encroachment.

4. The aforesaid documents contain signatures of eight persons. The signatures in all the aforesaid three pages are different from each other. None of the signatures tally with each other.
5. Though the Court is not an expert to deal with handwriting but a bare perusal with the naked eye is enough to suggest that the signatures of the said persons have not been made by the persons mentioned in the notices.
6. The signatures of the persons who are the writ petitioners also do not tally with the signatures made in the vakalatnama annexed to the writ petition.
7. In view of the above, the Court is constrained to hold that steps have been taken under the Act without serving proper notice upon the petitioners. Steps taken in furtherance of such notice cannot be sustained in law.
8. The impugned order dated 28th February, 2025 is, accordingly, set aside for want of proper notice under the Act. Steps taken to remove the petitioners are also set aside.
9. The respondents are granted liberty to take steps strictly in accordance with the provisions of the West Bengal Highways Act, 1964 against the persons who are unauthorizedly occupying government land.
10. The writ petition stands disposed of.

11. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)