

04.08.2025
Court No.19
ML/Item No.-8
[Milan]

WPA 15301 of 2025
Sk. Nurul Hasan
versus
The State of West Bengal & Ors.

Mr. Amlan Kr. Mukherjee
....for the Petitioner

Mr. Ayan Banerjee,
....for the State

Mr. Samim Ahammed,
Mr. Aniruddha Singh,
Mr.Aminoddin Khan,
Ms. Gulsanwara Pervin
....for the Respondent No.14

1. The subject matter of challenge in the instant writ petition is the order dated 17.06.2025 as passed by the respondent no.3 authority in Appeal No.2/Eviction/HW/District Magistrate/S.24 Parganas of 2025 – 2026 whereby and whereunder the respondent no.3 authority affirmed the order dated 28.02.2025 as passed by the respondent no.7 authority, whereby and whereunder, the writ petitioner being encroacher on the PWD land was directed to remove such encroachment.

2. At the time of hearing Mr. Amlan Kumar Mukherjee, learned advocate appearing on behalf of the writ petitioner at the very outset, draws attention of this Court to the order dated 28.02.2025 as passed by the respondent no.7 authority in a proceeding under Section

10(3) of the West Bengal Highways Act, 1964 (hereinafter referred to as the “said Act of 1964” in short). It is submitted by Mr. Mukherjee that from the said order dated 28.02.2025, it reveals that the respondent no.7 authority has relied upon a report dated 30.12.2024 as prepared by the respondent no.10 authority.

3. It is submitted by Mr. Mukherjee that both the respondent no.7 authority and the respondent no.3 authority in a proceeding under Section 10(3) and 10(4) of the said Act of 1964 respectively have failed to visualize that the said report dated 30.12.2024 is faulty.

4. On being asked by this Court, the learned advocate for the writ petitioner, however, submits that in the memo of appeal as presented before the respondent no.3 authority as well as in the instant writ petition, the writ petitioner, however, has not taken the grounds of alleged fault in such demarcation report dated 30.12.2024.

5. In course of hearing, the learned advocate appearing on behalf of the respondents State and its instrumentalities have contended that since the writ petitioner had participated in the field inquiry as conducted by the respondent no.10 authority, there is hardly any scope to challenge the said demarcation

report in the instant writ petition in absence of any glaring illegality and/or perversity.

6. On careful consideration of the entire materials as placed before this Court and after hearing the contending parties, this Court finds that sitting in judicial review, this Court is not supposed to reappraise and/or re-appreciate the evidence as laid before the respondent no.7 authority.

7. In considered view of this Court, the writ petitioner has miserably failed to place any material to substantiate that the decisions arrived at either by the respondent no.7 and/or respondent no.3 authorities are based on non-consideration of some extraneous materials, which vitiated the decision making process of the said two respondent authorities.

8. With the aforementioned observations, the instant writ petition being WPA 15301 of 2025 is dismissed.

9. There shall, however, be no order as to costs.

10. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities

(Partha Sarathi Sen, J.)