

31-07-2025
Item No.19
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.16008 of 2025

Meghnath Dhara

-vs-

The State of West Bengal & Ors.

Mr. Subhas Jana ...for the petitioner

Mr. Jayanta Samanta, jr. govt. adv.
Mr. Musior Rahaman ...for the State

Mr. Gautam Guria ...for the respondent nos.9-14

1. The petitioner is aggrieved by an order dated June 5, 2025 passed by the District Magistrate, Purba Medinipur whereby the appeal preferred by the petitioner under section 10(4) of the West Bengal Highways Act, 1964 stood rejected.
2. According to the petitioner, the land in question has not been notified as highway and the proceeding could not have been initiated under the provisions of the 1964 Act.
3. Prayer has been made to set aside the impugned order and permit the petitioner to stay at the subject place.
4. In the impugned order the District Magistrate has specifically recorded that though the land is recorded in the name of the District Board, Government of West Bengal, but the same was handed over to the Public Works (Road) Directorate vide Memo No.1386 dated September 9, 2014 and the road is maintained by the said Directorate. Relying upon the same, the District

Magistrate opined that the same was Highway's land and hence passed the order for eviction of the unauthorized occupant.

5. Learned counsel for the petitioner submits that an application praying for grant of lease of the subject plot of land was submitted before the District Board and that the same is pending consideration.
6. Be that as it may, as on date, there is nothing on record to suggest that the petitioner was granted any permission to occupy the subject plot of land. The petitioner was held to be an unauthorized occupant and order of eviction has been passed against him. None of the fundamental rights of the petitioner appears to have been infringed by the impugned order requiring interference by the Court.
7. The Court does not find any error in the impugned order. Hence, no relief can be granted to the petitioner.
8. The writ petition fails and is hereby dismissed.
9. Affidavit of service filed in Court be taken on record.
10. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

