

Form No.J(2)

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
Appellate Side

Present : The Hon'ble Mr. Justice Sabyasachi Bhattacharyya
&
The Hon'ble Mr. Justice Supratim Bhattacharya

MAT No. 2099 of 2025

+

CAN 1 of 2025

Sahadeb Singh and others

-vs-

The State of West Bengal and others

For the appellants : Ms. Debjani Ray,
Mr. Rajarshi Dutta,
Mr. Bishajib Ghosh
Mr. Surojit Dasgupta,
Mr. Abhishek Agarwal,

For the respondent
nos. 11 & 12 : Mr. Debasish Das.

Heard on : December 22, 2025.

Judgment on : December 22, 2025.

Sabyasachi Bhattacharyya, J.:

1. Leave is granted to the learned Advocate-on-record for the appellants to carry out the necessary corrections in the caption

of the Memorandum of Appeal, by correct classification of the appeal, during the course of the day.

2. The present challenge has been preferred against an order passed by a learned Single Judge, whereby the learned Single Judge has affirmed an order passed by the District Magistrate, Purba Medinipur, thereby, in turn, affirming an order passed under Section 10(3) of the West Bengal Highways Act, 1964 (in short “the 1964 Act”) passed by the Sub-Divisional Magistrate, Tamluk, Purba Medinipur, being the first forum under the said Act of 1964.
3. Learned counsel appearing for the appellants argues that the learned Single Judge mechanically affirmed the order of the District Magistrate. The District Magistrate also did not advert to any of the arguments of the appellants, nor gave an independent consideration to the materials on record and/or the findings of the Sub-Divisional Magistrate before affirming the order passed under Section 10(3) of the 1964 Act.
4. It is contended that the learned Single Judge failed to appreciate the fact that as the appellate authority, the District Magistrate was bound to return his/her own findings on the correctness of the decision of the Sub-Divisional Magistrate,

upon an independent enquiry into the report of the Block Land and Land Reforms Officer (BL & LRO) instead of mechanically affirming the order of the first forum.

5. Learned counsel for the appellants takes the court through the report of the BL & LRO dated January 16, 2025, wherewith a hand sketch-map was annexed. It is submitted that although the order of the Sub-Divisional Magistrate apparently referred to specific areas of land encroached by each of the appellants, such intra-appellants demarcation is absent from the hand sketch-map furnished by the BL & LRO. Thus, the findings of both the authorities not being in consonance with the report of the BL & LRO itself, it is argued that the learned Single Judge ought to have set aside the orders of both the authorities.
6. Such contentions are controverted by learned counsel for the private respondent nos. 11 and 12.
7. On a thorough scrutiny of the report furnished by the BL & LRO, we find that after the cover page, the first page of the report of the BL & LRO, in paragraph – 2 thereof, categorically mentions the exact measurements of PWD land encroached by each of the appellants.

8. The hand sketch-map on the next page is a mere supporting document, in order to reflect the areas of encroachment roughly.
9. It may be noted that the said report and the hand sketch-map was an outcome of a survey conducted personally by the BL & LRO.
10. We further take note of the fact that no rebuttal document was furnished against the said report by the appellants before any of the fora below.
11. In the absence of such rebuttal, the presumption of correctness attached to official acts ought to go in favour of the report of the BL & LRO. Even otherwise, we do not find any palpable infirmity in the said report and/or the hand sketch-map or any reason to disbelieve the same.
12. While passing their orders, both the Sub-Divisional Magistrate and the District Magistrate clearly referred to the report of the BL & LRO and, placing reliance on the same, passed necessary orders, coming to the conclusion that the appellants are encroachers of PWD land.
13. Although the appellants have sought to argue that a portion of the land encroached is not PWD land but private property of

third parties, in the absence of any reflection of the same in the impugned orders or the report, we have to proceed on the premise that the BL & LRO having demarcated the exact portions of PWD land encroached by the appellants, the impugned orders will operate in respect of such encroached PWD land only.

14. Otherwise, however, we do not find any infirmity or illegality in the orders of the District Magistrate and/or the learned Single Judge whereby the order of the Sub-Divisional Magistrate, relying on the report of the BL & LRO, was affirmed. We also have to keep in mind that we are not looking at the orders of a court of law but quasi-judicial orders passed by different authorities.
15. The reason assigned by the authorities, in our opinion, were sufficiently clear to justify not being interfered with by the learned Single Judge. Also, within the limited constraints of an intra-court appeal, we do not find any palpable perversity or patent error of fact on the part of the learned Single Judge to interfere with the impugned order.
16. However, we make it clear that while implementing the orders affirmed hereby, the respondent authorities shall ensure

that due process of law is followed and no property apart from the encroached PWD lands, as delineated in the report of the BL & LRO, are in any manner adversely affected or damaged.

17. In the light of the above observations, MAT No. 2099 of 2025 is dismissed without interfering with the impugned judgment dated October 31, 2025 passed in WPA No. 14262 of 2025.

18. Consequentially, CAN 1 of 2025 is also disposed of.

19. There will be no order as to costs.

20. Urgent photostat certified copy of the order, if applied for, be supplied to the parties at an early date.

I agree.

(Sabyasachi Bhattacharyya, J.)

(Supratim Bhattacharya, J.)