

28-02-2025
Item No.10
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.28581 of 2024

Arup Kumar Pal

-vs-

The State of West Bengal & Ors.

with

CAN No.2 of 2025

Mr. S.K. Dutta
Mr. Subham Dutta ...for the petitioner

Mr. Soumitra Bandhopadhyaya, sr. govt. adv.
Mr. Aniruddha Sen
Ms. Sucheta Banerjee ...for the State

Mr. Raghunath Das
Ms. Monalisa Das ...for the private respondent

1. Affidavit-in-reply filed by the petitioner to the opposition filed by the State is taken on record.
2. Learned counsel representing the State has produced before this Court copy of the Kolkata Gazette Extraordinary Notification dated August 25, 2015 wherefrom it appears that the subject road has been notified under the West Bengal Highways Act, 1964.
3. Learned advocate for the State submits that though an order for removal of the unauthorized occupants from the subject highway has already been passed but, in view of the pendency of the instant writ petition, the eviction of the encroachers could not be made.
4. I am of the view that as the subject highway is covered by the said Gazette Notification, no one

has any right to occupy or encroach upon the same.

5. Under the circumstances, the Court is not inclined to entertain the writ petition any more.
6. The writ petition, therefore, fails and is hereby dismissed.
7. The respondents would be at liberty to take steps for removal of the unauthorized occupants from the highway in accordance with the order dated November 20, 2024 passed by the Sub-Divisional Magistrate, Contai (Annexure P3, p.18).
8. It will be open for the State to seek for necessary police assistance and protection for the purpose of evicting the encroachers from the subject place.
9. Consequently, CAN No.2 of 2025 preferred by the private respondent for vacation of the interim order passed in the writ petition is also disposed of.
10. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.
11. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

