

20.01.2025
rpan/04

FMA 1513 of 2024
+
IA No.: CAN 1 of 2024 [Stay]
Bhutu @ Sanatan Mondal & Another
– Versus –
Rumpa Roy Mondal & Others

Mr. Aniket Mitra,
Mr. Musharraf Alam Sk.
... for the Appellants.

Mr. Lalratan Mondal,
Mr. Dilip Kumar Sadhu
... for the Respondent no.1/
Writ Petitioner.

Mr. Ram Chandra Guchhait,
Mr. Hemanta Kumar Das
... for the State/Respondents.

The present appeal challenges the order dated 20th November 2024 passed by the learned Single Judge in WPA 26793 of 2024. In the impugned order, the Block Land & Land Reforms Officer was directed to conduct a physical inspection of the alleged encroachment and construction on the PWD land and submit a report to the jurisdictional Assistant Engineer of the PWD. Copies of this report were directed to be provided to the writ petitioner (respondent no. 1 herein) and the private respondents (appellants herein). Furthermore, the learned Single Judge directed that if the report confirmed the encroachment and construction on the PWD land, appropriate follow-up action would be taken in accordance with the law.

Mr. Mitra, learned advocate for the appellants, submits that the writ petitioner, respondent no. 1, does not have the *locus standi* to point out the encroachment on the road belonging to

the PWD. He argues that since the writ petitioner lacked the locus standi to file the writ petition, the order passed in the petition is fundamentally flawed and, therefore, cannot be sustained.

However, during the pendency of this appeal, the concerned Block Land & Land Reforms Officer conducted the inspection, and the report was served on both the appellants and respondent no. 1. The report was subsequently submitted to the jurisdictional Assistant Engineer, PWD, and it confirms the encroachment on the PWD land. The jurisdictional Assistant Engineer, PWD issued a notice under Section 10(1) of the West Bengal Highway Act, 1964 (the "Act of 1964"), directing the appellants to remove the unauthorized construction and encroachment. However, no action has been taken so far under sub-Section (2) of Section 10 of the Act of 1964.

Thus, a significant part of the order challenged in the appeal has already been implemented, and the appellants have agreed to pursue the statutory remedy provided to them under the Act of 1964.

In view thereof, we are not inclined to interfere with this appeal and accordingly, the same along with the connected application is, accordingly, dismissed.

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

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

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)

